ENGLANDS
Present Interest
DISCOVERED,
WITH
HONOUR to the PRINCE
AND
SAFETY to the PEOPLE.

In Answer to this one Question,

What is most Fit, Easie and Safe at this Juncture of Affairs, to be done, for Composing, at least, Quieting of Differences; Allaying the Heat of contrary Interests, and making them Subservient to the Interest of the Government, *and Consistent with the* Prosperity *of the* Kingdom?

Presented and submitted to the Consideration

OF

SUPERIORS,

By *William Penn.*

And Abraham *said unto* Lot, *Let there be no Strife between me and thee; for we are Brethren,* Gen. 13. 8.

As ye would that men should do unto you, do ye also to them likewise, Luke 6. 3.

Lex est Ratio sine appetitu.

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THE INTRODUCTION.

THere is no *LAW* under Heaven, which hath its Riſe from *NATURE* or *GRACE*, that forbids Men to *Deal Honeſtly and Plainly* with the greateſt Perſonages in Matters of higheſt Importance to their Preſent and Future Good; On the Contrary, the *Dictates* of both enjoyn every Man that Office to his Neighbour, and from *Charity* among Private Perſons, it becomes a *Duty* indiſpenſible to the *Publick*: Nor do Worthy Minds think ever the leſs kindly of Honeſt and Humble Monitors; and God, he knows, that oft-times *Princes* are Deceived, and *Kingdoms* Languiſh for Want of them. How far the Poſture of our Affairs will juſtifie this *Addreſs*, I ſhall ſubmit to your Judgment, and the Obſervation of every intelligent Reader.

Certain it is, that there are few *Kingdoms* in the World more *Divided within themſelves*, and whoſe *Religious Intereſts* lie more ſeemingly croſs to all Accommodation, then that we live in, which renders the *Magiſtrate's* Task hard, and giveth him a Difficulty, ſome think inſurmountable.

Your Endeavours for an *Uniformity* have been many; Your *Acts* not a few to Enforce it; but the *conſequence*, whether you intended it or no, through the Barbarous Practices of thoſe that have had their Execution, hath been the Spoiling of ſeveral Thouſands

of the *Free Inhabitants* of this Kingdom of their Unforfeited Rights. *Persons have been flung into Goals, Gates and Trunks broak open, Goods distrained, till a Stool hath not been left to sit down on*; *Flocks of Cattel driven, whole Barns full of Corn seized, Parents left without their Children, Children without their Parents, both without Subsistence*: But that which aggravates the Cruelty, is, the *Widdows Mite* hath not escaped their Hands; they have made her *Cow* the forfeit of her *Conscience*, not leaving her a *Bed* to lie on, nor a *Blanket* to cover her: And which is yet more Barbarous, and helps to make up this *TRAGEDY*, the poor *Helpless Orphan's Milk* boiling over the Fire, was *flung away, and the Skillet made Part of their Prize*; that, had not Nature in Neighbours been stronger then Cruelty in such *Informers* and *Officers*, to open her Bowels for their Relief and Subsistence, they must have utterly perisht. Nor can these inhuman Instruments plead *Conscience* or *Duty* to those Laws that have been made against *Dissenters*, since their Actions have abundantly transcended the severest Clause in them; for to *see the Imprison'd* has been Suspicion enough for a *Geal*; and to *visit the Sick*, to make a *Conventicle*: *Fining* and *Straining for Preaching and being at a Meeting where there hath been neither*; and *Fourty* Pound for *Twenty*, at pick and choose too, is a Moderate Advance with some of them. Others thinking this a Way too Dull and Troublesom, alter the Question, and turn, *Have you met?* which the Act intends, to, *Will you Swear?* which it intendeth not: so that in some Places it hath been sufficient to a *Premunire*, that Men have had Estates to loose; I mean, such Men, who *through Tenderness refuse the Oath*, but

but by Principle love the *Allegiance* not leſs then their Adverſaries.

Finding then by ſad Experience, and a long Tract of Time, That the very *Remedies* apply'd to cure *Diſſenſion* increaſe it; and that the more vigorouſly an *Uniformity* is coercively proſecuted, the wider Breaches grow, the more inflamed Perſons are, and fixt in their Reſolutions to ſtand by their Principles; which, beſides all other Inconveniencies to thoſe that give them Trouble, their very *SUFFERINGS* beget that *COMPASSION* in the Multitude, which rarely miſs of many *Friends*, and makes a Preparation for not a few *Proſelytes*; ſo much more Reverend is *Suffering*, then making Men to ſuffer *for Religion*, even of thoſe that cannot ſuffer for *Their Religion*, if yet they have *Any* Religion to ſuffer for: *Hiſtories* are full of Examples; The *Perſecution* of the *Chriſtian* Religion made it more Illuſtrious then its Doctrine: Perhaps it will be denyed to *Engliſh Diſſenters*, that they relie upon ſo good a Cauſe, and therefore a Vanity in them to expect that Succeſs. *Arrianiſm* it ſelf, reputed the foulest *Hereſie* by the Church, was by no Artifice of its Party ſo diſſeminated, as the ſevere Oppoſition of the *Homouſians*.

Conteſts naturally draw Company; and the Vulgar are juſtified in their Curioſity, if not Pitty, when they ſee ſo many Wiſer Men buſie themſelves to ſuppreſs a People, by whom they ſee no other Ill then that for *Non-Conformity* in Matters of *Religion*, they bear Indignities patiently.

To be ſhort; If all the *Interruptions*, *Informations*, *Fines*, *Impriſonments*, *Exiles* and *Blood*, the great Enemy,

nemy of Nature, as well as Grace, hath excited Man in all Ages to about Matters of Worſhip, from *Cain* and *Abel*'s Time to ours, could furniſh us with ſufficient Preſidents, that the *Deſign propoſed by the Inflictors of ſo much Severity, was ever anſwered*; that they have *ſmother'd Opinions, and not enflamed, but extinguiſht Conteſt*, it might perhaps, at leaſt prudentially, give *Check to our Expectations*, and allay my juſt Confidence in this *Addreſs*; But ſince ſuch Attempts have ever been found *Improſperous*, as well as that they are too *Coſtly*, and that they have procured the *Judgments* of *God*, the *Hatred* of *Men*; to the *Sufferers*, *Miſery*; to their Countries, *Decay of People and Trade*; and to their own Conſciences, an infinite *Guilt*; I fall to the Queſtion, and then the Solution of it; in which, as I declare, I intend nothing that ſhould in the leaſt abate of that *Love*, *Honour* and *Service* that are due to you; ſo I beſeech you, do me that Juſtice, as to make the *faireſt Interpretion of my Expreſſions*; for, the whole of my Plain and Honeſt Deſign is, to offer my Mite for the *Increaſe of your True Honour, and my dear Country's Felicity*.

The

The QUESTION.

WHat is moſt Fit, Eaſie and Safe at this Juncture of Affairs to be done, for Compoſing, at leaſt Quieting Differences; for Allaying the Heat of Contrary Intereſts, and making them Subſervient to the Intereſt of the Government, and Conſiſtent with the Proſperity of the Kingdom?

The *ANSWER.*

I. An Inviolable and Impartial Maintenance of *Engliſh* Rights.

II. Our *Superiours* governing themſelves upon a *Ballance*, as near as may be, towards the ſeveral Religious *Intereſts*.

III. A ſincere Promotion of General and Practical *Religion*.

I ſhall briefly diſcourſe upon theſe Three Things, and endeavour to prove them a *ſufficient*, if not the *only beſt Anſwer* that can be given to the Queſtion propounded.

Of

Of *ENGLISH-RIGHTS.*

THere is no Government in the World but it muſt either ſtand upon *Will and Power*, or *Condition and Contract*: The one rules by *Men*; the other by *Laws*. And above all Kingdoms under Heaven it is *England's* Felicity to have her Conſtitution ſo impartially Juſt and Free, as there cannot well be any thing more remote from Arbitrarineſs, and jealous of preſerving her Laws, by which all Right is maintain'd.

Theſe Laws are either *Fundamental*, and ſo immutable; or more *Superficial* and *Temporary*, and conſequently alterable.

By *Superficial Laws* we underſtand ſuch Acts, Laws or Statutes, as are ſuited to preſent Occurrences, and Emergencies of State; and which may as well be abrogated, as they were firſt made for the Good of the Kingdom: For Inſtance; thoſe Statutes that relate to Victuals, Cloaths, Times and Places of Trade, &c. which have ever ſtood whilſt the Reaſon of them was in Force; but when that Benefit, which once redounded, fell by freſh Accidents, they ended according to that old Maxim, *Ceſſante ratione legis, ceſſat lex.*

By *Fundamental Laws* I do not only underſtand ſuch as immediately ſpring from *Syntereſis*, that Eternal Principle of Truth and Sapience, more or leſs diſſeminated through Mankind, which are as the Corner-Stones of Humane Structure, the Baſis of reaſonable Societies, without which all would run into Heaps, and Confuſion; namely, *Honeſte vivere, alterum non lædere, jus ſuum cuiq; tribuere*; that is, To live Honeſtly, not to Hurt another, and to give every one their Right (Excellent Principles and common to all Nations: Though that it ſelf were ſufficient to our preſent Purpoſe) But thoſe *Rights* and *Priviledges*, which I call *Engliſh*, and which are the proper *Birth-right* of *Engliſh* Men, and may be reduced to theſe Three:

Firſt, *An Ownerſhip, and Undiſturbed Poſſeſſion, That what they have, is rightly theirs, and no Body's elſe.*

2dly,

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2dly, *A Voting of every Law that is made, whereby that Ownerſhip or Propriety may be maintained.*

3dly, *An Influence upon, and a real Share in that Judicatory Power that muſt apply every ſuch Law; which is the Ancient, Neceſſary and Laudable Uſe of Juries, if not found among the* Britains, *to be ſure practiſed by the* Saxons, *and continued through the* Normans *to this very Day.*

That theſe have been the Ancient and Undoubted Rights of *Engliſh* men, as three great Roots, under whoſe ſpacious Branches the *Engliſh* People have been wont to ſhelter themſelves againſt the Storms of Arbitrary Government, I ſhall endeavour to prove.

1. *An Ownerſhip and Undiſturbed Poſſeſſion.*

This relates both to Title and Security of *Eſtate*, and Liberty of *Perſon*, from the Violence of Arbitrary Power.

'Tis true, the Foot-Steps of the *Britiſh* Government are very much over-grown by Time: There is ſcarcely any Thing remarkable left us, but what we are beholden to Strangers for; either their own Unskilfulneſs in Letters, or their Depopulations and Conqueſts by Invaders, have deprived the World of a particular Story of their Laws and Cuſtoms in *Peace* or *War*: However, *Caſar*, *Tacitus*, and eſpecially *Dion*, ſay enough to prove their Nature and their Government to be as far from ſlaviſh, as their Breeding and Manners were remote from the Education and greater Skill of the *Romans*. *Beda* and *M. Weſtminſter*, ſay as much. *Caſar.* Com. *Tacit.* in vit. *Agric.* *Dion.* *Beda.* *M. Weſt.* an. 416. l. 1. c. 17.

The Law of *Property* they obſerved, and made thoſe Laws that concern'd the Preſervation of it.

The *Saxons* brought no Alteration to theſe two Fundamentals of our *Engliſh* Government; for they were a Free People, govern'd by *Laws*, of which they themſelves were the MAKERS; that is, There was no Law

made without the Consent of the People (*de majoribus omnes*) as *Tacitus* obſerveth of the *Germans* in general: They loſt nothing by tranſporting of themſelves hither; and doubtleſs found a greater Conſiſtency between their Laws, then their Ambition: For the Learned Collector of the *Britiſh Councils* tells us, That *Ethelſton*, the *Saxon* King, pleading with the People, told them, *Seeing I, according to your Law, allow what is yours, do ye ſo with me.* Whence Three Things are obſervable: 1*ſt*, That ſomething was theirs, that no Body elſe could diſpoſe of. 2*dly*, That they have *Property* by their own Law; therefore they had a Share in making their own Laws. 3*dly*, That the Law was Umpier between King and People; neither of them ought to infringe; the Law limited them.

Hiſt. *Germ.*

Concil. *Brit.* P. 397.

Ll. *Ina Lam.* This *Ina*, the Great *Saxon* King, confirmeth; *There is no Great Man*, ſaith he, *nor any other in the whole Kingdom, that may aboliſh written Laws.* It was alſo a great part of the *Saxon* Oath, adminiſtred to the Kings at their Entrance upon the Government, *to maintain and rule according to the Laws of the Nation.* Their *Parliament* they call'd *Micklemote*, or *Wittangemote*; it conſiſted of *King*, *Lords* and *People*, before the *Clergy* interwove themſelves with the Civil Government. And *Andrew Horn* in his *Miror of Juſtice*, tells us, *That the Grand Aſſembly of the Kingdom in the* Saxon *time, was to confer of the Government of God's People, how they might be kept from Sin in quiet, and have Right done them according to the Cuſtoms and Laws.*

Miror. c. 1. §. 2.

Miror. Juſt. c. §. 2, 3. c. 4. §. 11.

Nor did this Law end with the *Saxon* Race: *William* the Conqueror, as he is uſually call'd, quitting all Claim by Conqueſt, gladly ſtoopt to the Laws obſerv'd by the *Saxon* Kings, and ſo became a King by Leave, valuing a Title by *Election* before that which is founded in *Power* only: He therefore at his Coronation made a ſolemn Covenant, *to maintain the good, approv'd, and ancient Laws of the Kingdom, and to inhibit all Spoil and unjuſt Judgment.*

Hoven. Eadmur. Hiſtor. l. 1. p. 13. *M. Paris*, in vit. *Gulielm.*

And

And this *Henry* the first, his third Son, amongst others his Titles mention'd in his *Charter*, to make *Ely* a Bishoprick, calls himself *Son of* William *the Great*, who by Hereditary Right succeeded King *Edward* (call'd *the Confessor*) in this Kingdom. *Spicileg.*

An ancient Chronicle of *Liechfield* speaks of a Council of Lords that advised *William* of *Normandy*, *To call together all the Nobles and Wise Men throughout their Counties of* England, *that they might set down their own Laws and Customs*; which was about the fourth Year of his Reign: Which implies, that they had fundamental Laws, and that he intended their Confirmation as followeth. And one of the first Laws made by this King, which, as a notable Author saith, *may be call'd the first Magna Charta in the* Norman *Times*, by which he reserved to himself nothing of the Free-men of this Kingdom, but their free Service; in the Conclusion of it saith, that *The Lands of the Inhabitants of this Kingdom were granted to them in Inheritance of the King, and by the Common Council of the whole Kingdom*: which Law doth also provide, *That they shall hold their Lands and Tenements well or quietly, and in Peace, from all unjust Tax and Tillage*; which is further expounded in the Laws of *Henry* the first, ch. 2. *That no Tribute or Tax should be taken, but what was due in* Edward *the Confessor's Time*. So that the *Norman* Kings claim no other Right in the Lands, and Possessions of any of their Subjects, then according to *English* Law and Right. And so tender were they of *PROPERTY* in those times, that when Justice it self became importunate in a Case, no Distress could issue without publick *Warrant* obtain'd; nor that neither, but upon *Three Complaints* first made: Nay, when Rape and Plunder was rife, and men seem'd to have no more Right to their own, then they had Power to maintain, even then was this Law sufficient Sanctuary to all Oppressed, by being publickly pleaded at the Bar against all Usurpations, though it were

Chron. Leichf.

Ll. *Gulielm.* c. 55.

Ll. *Gulielm.* cap. 42, 43. Gloss. 227.

Camb. Brit. Norf. under the Pretence of their Conqueror's Right it ſelf, as by the Caſe of *Edwin* of *Sharnbourn* appears.

The like Obligation to maintain this Fundamental Law of *Property*, with the appendent Rights of the People, was taken by *Rufus*, *Henry* the 1ſt, *Stephen*, *Henry* the 2d, *Richard* the 1ſt, *John*, and *Henry* the 3d; which brings me to that Famous Law, call'd, *Magna Charta*, or *The Great Charter of England*, of which more anon; it being my Deſign to ſhew, That nothing of the *Eſſential Rights* of *Engliſh* men was thereby *de novo* granted, as in Civility to King *Henry* the third, it is termed; but that they are therein only repeated and confirmed: Wherefore I ſhall return to antecedent Times, to fetch down the remaining *Rights*.

The ſecond part of this firſt Fundamental is, *Liberty of Perſon*. The *Saxons* were ſo tender in the Point of *Impriſonment*, that there was little or no Uſe made of it; nor would they ſo puniſh their Bond-men, *vinculis coercere rarum eſt*: In caſe of Debt or Dammage, the Recovery thereof was either by a Delivery of the juſt Value in Goods, or upon the Sheriffs Sale of the Goods, in Money; and if that ſatisfied not, the Land was extended; and when all was gone, they were accuſtomed to make their laſt Seizure upon the Party's Arms, and then he was reputed an *Undone Man*, and caſt upon the Charity of his Friends for Subſiſtence, but his Perſon never impriſoned for the *Debt*, no, nor in the King's Caſe: And to the Honour of King *Alfred* be it ſpoaken, *He impriſon'd one of his Judges for Impriſoning a Man in that Caſe*. And we find among his Laws this Paſſage, *Qui immerentem Paganum vinculis conſtrinxerit, decem ſolidis noxam ſarcito*: That if a man ſhould impriſon a *Pagan*, or *Heathen* unjuſtly, his Purgation of that Offence ſhould be no leſs then the Payment of Ten Shillings; a Sum very conſiderable in thoſe dayes. Nor did the Revolution from *Saxon* to *Norman* drop this Priviledge; for

Ll. Edw.

Ll. Alfr. c. 1. & 31.

for beſides the general Confirmation of former Rights by *William*, ſurnamed the *Conqueror*, his Son *Henry* the *firſt*, particularly took ſuch Care of continuing this part of Property inviolable, that in his Time no Perſon was to be impriſon'd for committing of Mortal Crime it ſelf, unleſs he were firſt attainted by the Verdict of Twelve Men. LL. *Guilelm.* c. 4. 45, 55. LL. *Henr.* cap. 5.

Thus much for the firſt of my Three Fundamentals, *Right of Eſtate*, and *Liberty of Perſon*; that is to ſay, *I am no man's Bond-man*, and *what I poſſeſs is inviolably mine own.*

2. *A Voting of every Law that is made, whereby that Ownerſhip or Propriety may be maintained.*

That the ſecond Fundamental of our *Engliſh* Government was no Incroachment upon the Kings of more modern Ages, but extant long before the *Great Charter* made in the Reign of *Hen.* 3. even as early as the *Britains* themſelves; and that it continued to the time of *Hen.* 3. I ſhall prove by ſeveral Inſtances.

Cæſar in his Commentaries tells us, That it was the Cuſtom of the *Britiſh* Cities, to Elect their General; and if in War, why not in Peace? *Dion* aſſures us in the Life of *Severus* the Emperor, That in *Britain* the People held a Share in Power and Government; which is the modeſteſt Conſtruction his Words will bear. And *Tacitus* ſaith, They had a Common Council; and that one great Reaſon of their Overthrow by the *Romans* was, their not Conſulting with, and Relying upon their Common Council. Again, both *Beda* and *Mat. Weſtminſter* tell us, That the *Britains* ſummon'd a Synod, chooſe their Moderator, and expell'd the *Pelagian* Creed: All which ſuppoſes popular Aſſemblies, with Power to order National Affairs. And indeed, the learned Author of the *Britiſh* Councils gives ſome Hints to this Purpoſe, That they *Cæſ.* Comm. l. 5, 6. *Dion* in vit. *Sever.* *Tacit.* in vit. *Agric.* c. 12.

has

had a Common Council, and call'd it, KYFR-Y-THEN

The *Saxons* were not inferiour to the *Britains* in this Point, and Story furniſheth us with more and plainer Proofs. They brought this Liberty along with them, and it was not likely they ſhould loſe it, by tranſporting themſelves into a Country where they alſo found it. *Tacitus* reports it to have been generally the *German*-Liberty, like unto the *Concio* of the *Athenians* and *Lacedæmonians*. They call their Free-men *Frilingi*, and theſe had Votes in the Making and Executing the general Laws of the Kingdom. In *Ethelbert*'s time, after *Auſtin*'s Inſinuations had made his Followers a Part of the Government, the *Commune Concilium* was *tam Cleri quam Populi*. In *Ina*'s time, *Suaſu & inſtituto Epiſcoporum, omnium Senatorum & natu majorum ſapientum populi*. *Alfred* after him reform'd the former Laws *conſulto ſapientum*. Likewiſe Matters of publick and general Charge, in Caſe of War, &c. we have granted in the Aſſembly, *Rege, Baronibus & Populo*. And though the *Saxon* Word properly imports the Meeting of Wiſe Men; yet all that would come might be preſent, and interpoſe, their Like or Diſlike of the preſent Propoſition, as that of *Ina*, *in magna ſervorum Dei frequentia*. Again, *Commune Concilium ſeniorum & populorum totius regni*, the Common Council of the Elders and *People* of the whole Kingdom. The Council of *Winton*, Ann. 855. is ſaid to be in the Preſence of the Great Men, *aliorumq; fidelium infinita multitudine*; and an infinite multitude of other faithful People, which was nigh Four Hundred Years before the *Great Charter* was made.

Tacit. Hiſt. *Germ*

Plut. in vit. *Sol.* & *Lyc.*

Concil. *Brit.* 126.

Ll. *Sax. Lam. Cantab.* f. 1.

Ibid. f. 22.

Ll *Ed. Lam. Cant.* f. 139.

Ll *Sax. Lam.* f. 1.

Concil. *Brit.* 350. *Ingulph.*

My laſt Inſtance of the *Saxon* Ages ſhall be out of the *Gloſſary* of the Learned *Engliſh* Knight, *H. Spelman*: *The* Saxon *Wittangemote or Parliament* (ſaith he) *is a Convention of the* Princes, *as well* Biſhops *as* Magiſtrates, *and the* free People *of the Kingdom*; and that the ſaid *Wittangemote* conſulted of the common *Safety in Peace and War*, and for the Promotion of the common Good. *William* of *Normandy*

Spelm. Gloſſ. Tit. *Gemote*, f. 261.

Normandy chose rather *to rely upon the Peoples Consent, then his own Power to obtain the Kingdom.* He swore to them to maintain their *old Laws and Priviledges*; they to him *Obedience* for his so governing of them; for, as a certain Author hath it, *He bound himself to be Just, that he might be Great; and the People to submit to Justice, that they might be free.* In his *Laws*, c. 55. *We* by the *Commmon Council* of the whole Kingdom, *have granted the Peoples Lands to them in Inheritance, according to their ANCIENT Laws.* Matters of general Charge upon the whole Body of the People, were setled by this grand Gouncil, by the *Commune Concilium*, especially in the *Charge of Arms* impos'd upon the Subject. The Law saith it to have been done by the *Common Council of the Kingdom.* So *W. Rufus* and *Henry* the *First*, were received *by the common Consent of the People.* And *Stephen's* Words were, *Ego* Stephanus, *Dei gratia, Assensu Cleri & Populi in Regno Angliæ electus*, &c. I *Stephen*, by the Grace of God, and *Consent* of the Clergy and *People* chosen *King of England*, &c. So King *John* was chosen *tam Cleri quam Populi unanimo consensu & favore*, by the Favour and unanimous *Consent* of the Clergy and *People*: And his *Queen* is said to have been crowned *de communi consensu & concordi voluntate Archiepiscoporum, Comitum, Baronum, Cleri & Populi totius Regni*, i.e. by the common *Assent* and unanimous Good-Will of the *Arch Bishops, Bishops, Counts, Barons, Clergy and* People *of the whole Kingdom. King* Ed. 1. also desired Money of the *commune Concilium* or Parliament, as they have given in my Time, and that of my Progenitors, Kings.

Ll. *Gulielm.* c. 55.

Ll. *Guliel.* c. 58. *Spicileg. W. Malmbs.* Hist. *p.* 101. *Chart. moder fœder. magn. sig. l.* ann. 1. *Joh.* ex vet. Reg is Arch. *Cantuar.* Archiepiscop. *Rot. Chart.* ann. 5. *Joh.* Memb. 5. n. 29. *Rot. Par.* 24. Edw. 1. *n.* 22.

All which shows, that it was *Antecedent* to the *Great Charter*; not the *Rights* therein repeated confirm'd, but the *Act* it self.

And King *John's* Resignation of the Crown to the Pope being question'd upon some Occasion in *Edward* the 3*d's* Time, it was agreed upon, that he had *no Power to do it without the Consent of the Dukes, Prelates, Barons and Commons.*

Rot. Par. 40. Ed. 3. *n.* 78.

And as *paradoxal* as eny may please to think it, 'tis the

the great *Interest* of a *Prince*, that the People should have a Share in the *making of their own Laws*; where 'tis otherwise, they are no *Kings* of *Free-men*, but *Slaves*, and those their *Enemies* for making them so. *Leges nulla alia causa nos tenent, quam quod judicio populi receptæ sunt*; The Laws (saith *Ulpian*) do therefore oblige the People, because they are allowed of by their Judgment. And *Gratian*, in Dec. distinct. 4. *Tum demum humanæ leges habent vim suam, cum fuerint non modo institutæ, sed etiam firmatæ Approbatione Communitatis*: It is then (saith he) that human Laws have their due Force, when they shall not only be devised, but confirm'd by the Approbation of the People. 1. It makes Men *diligent*, and encreaseth *Trade*, which advances the Revenue; for where Men are not *free*, they will never seek to improve, because they are not sure of what they have. 2. It frees the Prince from the *Jealousie* and Hate of his People; and consequently, the Troubles and Danger that follow; and make his *Province* easie and safe. 3. If any Inconveniency attends the Execution of any Law, the *Prince* is not to be blam'd; 'tis their own Fault that made, at least consented to it.

I shall now proceed to the *third Fundamental*, and by plain Evidence prove it to have been a material part of the Government before the *Great Charter* was enacted.

3. *The People have an Influence upon, and a great Share in that Judicatory Power, &c.*

That it was a *British* Custom, I will not affirm, but have some Reason to suppose; for if the *Saxons* had brought it with them, they would also have left it behind them, and in all likelyhood there would have been some Footsteps in *Saxony* of such a Law or Custom which we find not. I will not enter the Lists with any about it; This shall suffice, that we find it early among the *Saxons* in this Country; and if they, a free People in their own Country, setling themselves here as a new planted Colony, did supply what was defective in their own Government, or add some new

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Freedom to themſelves, as all Planters are wont to do, which are as thoſe firſt and Corner-Stones, their Poſterity with all Care and Skill are to build upon, that will ſerve my turn, to prove it a *Fundamental*; that is ſuch a *firſt Principle* in our *Engliſh* Government, by the Agreement of the People *diffuſively*, that it ought *not to be violated*: I would not be underſtood of the *Number*, but of the *Way of Tryal*; that is to ſay, that *Men were not to be condemned but by the Votes of the Freemen*. *N. Bacon* thinks that *in ruder Times the multitude tryed all among themſelves*; & fancies it came from *Gracians*, that determin'd *Controverſies by the Suffrage of* 34 *or the major part of them*. Be it as it will, *Juries* the *Saxons* had; for in the Laws of King *Æthelred*, above 100 Years before the Entrance of the *Norman* Duke, we find enacted, *in ſingulis Centuriis, &c.* thus Engliſht, *In every Hundred let there be a Court, and let twelve Ancient* Free men, *together with the Lord of the Hundred be ſworn, that they will not condemn the Innocent, or acquit the Guilty*: And ſo ſtrict were they o thoſe Ages in obſerving this fundamental *Way of Judicature*, that *Alfred* put one of his *Judges to Death for paſſing Sentence upon a Verdict corruptly obtain'd, upon the Votes of the Jurors, three of twelve being in the Negative*: Iſt e *Number* was ſo *ſacred*; what was the *Conſtitution it ſelf*? The very ſame King executed another of his *Judges for paſſing Sentence of Death upon an* Ignoramus *return'd by the Jury*; and a third *for condemning a Man upon an Inqueſt taken ex* officio, *when as the Delinquent had not put himſelf upon their Tryal*. More of his Juſtice might be mention'd, even in this very Caſe.

Ll. *Sax.* *Lam.* ann. 975. p. 218.

There was alſo a *Law* made in the Time of *Æthelred*, when the *Britains* and *Saxons* began to grow tame to each other, and intercommon amicably, that ſaith, *Let there be Twelve Men of Underſtanding, &c. ſix* Engliſh *and ſix* Welch, *and let them deal Juſtice, both to* Engliſh *and* Welch.

Ll. *Ethelr.* 3. Lamb.

Alſo in thoſe ſimp'er Times, *If a Crime extended but to ſome ſhameful Pennance, as Pillary or Whipping* (the laſt whereof, as uſual as it may be with us, was inflicted only upon

Ll. *Ine.* Ll. *Canut.*

upon their Bond-men) *then might the Penance be reduc'd to a Ranſom, according to the Nature of the Fault; but it muſt be ſo aſſeſt in the Preſence of the Judge, and by the Twelve*, that is, *the Jury of Frilingi*, or *Free-men*.

Hitherto Stories tell us of *Tryals* by *Juries*, and thoſe to have conſiſted in general Terms of *Free-men*, but PER PARES came after, occaſion'd by the conſiderable *Sa ons*, neglecting that Service, & leaving it to the inferiour People (who loſt the Bench, their ancient Right, becauſe they were not thought Company for a Judge or Sheriff) And from the growing *Pride* of the *Danes*, who ſlighted ſuch a *Rural Judicature*, and deſpiſed the Fellowſhip of the mean *Saxon Free-men* in publick Service; for the wiſe *Saxon King* perceiving the Dangerous Conſequence of ſubmitting the *Lives* and *Liberties* of the *Inferiour* (but not leſs uſeful People) *to the Dictates of any ſuch ſuperb Humour*; and on the other hand, of ſubjecting the *Nobler Sort to the Suffrage of the inferiour Rank*, with the Advice of his *Wittagenmote* provides a third Way, moſt Equal and Grateful, and by Agreement with *Gunthurne* the *Dane*, ſetled the *Law of Peers* or *Equals*; which is the *Envy of Nations*, but the famous *Priviledge* of our *Engliſh People*, one of thoſe three *Pillars* the Fabirck of this Ancient and *Free Government* ſtands upon.

This *Benefit* gets Strength by Time, and is receiv'd by the *Norman Duke* and his Succeſſors; and not only confirm'd in the Lump of other Priviledges, but in one notable Caſe for all, that might be brought to prove, that the *fundamental Priviledges* mention'd in the *Great Charter*, 9. *Hen.* 3. were before it. The Story is more at large deliver'd by our Learned *Selden*: But thus; The *Norman Duke* having given his half-Brother *Odo*, a large Territory in *Kent*, with the *Earldom*; and he taking Advantage at the *King's being diſpleas'd with the* Arch-Biſhop *of Canterbury*, to poſſeſs himſelf of ſome of the Lands of that See; *Landfrank* that ſucceeded the Arch-Biſhop, inform'd hereof, petition'd the King for Juſtice *ſecundum legem terræ*, according to the Law of the Land; upon which the *King* ſummon'd a *County-Court*,

Spicil. 197 *Stigand.*

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the Debate lasted three Dayes before the *Free-men of Kent* in the Presence of *Lords and Bishops, and others skilful in the Law and the Judgment passed for the* Arch-Bishop UPON THE *VOTES* OF THE FREE-MEN.

By all which it is (I hope) sufficiently and inoffensively manifested, that these three Principles,

1. English *Men have individually the alone Right of Possession and Disposition of what they have.*

2. *That they are Parties to the Laws of their Country, for the Maintainance of that great and just Law.*

3. *That they have an Influence upon, and a real Share on the Judicatory Power, that shall apply those Laws made,* have been the *ancient Rights of the Kingdom,* and common *Basis of the Government*; that which *Kings* under the several Revolutions have *sworn to maintain* and History affords us so many Presidents to confirm; So that the *Great Charter* made in the 9th of *Henry* the 3*d*, was not the *Nativity*, but *Restoration* of ancient *Priviledges* from Captivity; No Grant of *New Rights*, but a *New* Grant, or *Confirmation* rather of *Ancient Laws and Liberties*, violated by King *John*, and restor'd by his Successor, at the Expence of a long and bloody War, which shewed them as resolute to keep, as their Ancestors had been careful to enact those excellent Laws.

And so I am come to the *Great Charter*, which is comprehensive and repetitious of what I have already been discoursing, and which I shall briefly touch upon with those successive *Statutes* that have been made in Honour and Preservation of it.

I shall rehearse so much of it as falls within the Consideration of the fore-going Matter, which is a great deal in a little, with something of the Formality of *Grant* and *Curse*, that this Age may see, with what *Reverence* and *Circumspection our Ancestors govern'd themselves in Confirming and Preserving it.*

Henry, by the Grace of God King of England, &c, *To all* Arch-Bishops, Earls, Barons, Sheriffs, Pre- 9th *Hen.* 3

vosſ Officers, *unto all* Bailifs, *and our faithful* Subjects, *who ſhall ſee this preſent* Charter, *Greeting:* 'Know ye, that we, unto the *Honour* of Almighty 'God, and for the *Salvation* of the Souls of our Pro-'geſitors, and our Succeſſors, Kings of *England*, 'to the Advancement of Holy Church, and A-'mendment of our Realm, of our *meer and free* 'Will have given and granted to all Arch-Biſhops, '&c. and to all *Free-men* of this our Realm, theſe 'Liberties underwritten, to be holden and kept 'in this our Realm of *England* for evermore.

Though in Honour to the King, it is ſaid to be out of his *meer and free Will*; yet the Qualification of the Perſons, he is ſaid to grant the enſuing Liberties to, ſhew, that they are Terms of Formality, viz. *To all* Free-men *of this Realm*; for they muſt be *free*, becauſe of theſe Laws and Liberties, ſince 'twas impoſſible they could be any Thing but *Slaves* without them; Conſequently, this was not an Infranchiſing, but *confirming* to Free-men their juſt Priviledges. The Words of the Charter are theſe:

Ch. 14. 'A *Free-man* ſhall not be amerced for a ſmall 'Fault, but after the Quantity of the Fault; and 'for a great Fault, after the Manner thereof, ſa-'ving to him his Contenements or Freehold: And 'a *Merchant* likewiſe ſhall be amerced, ſaving to 'him his Merchandize; and none of the ſaid A-'mercements ſhall be aſſeſſed, but by the Oath 'of good and honeſt Men of the Vicinage.

Ch. 29. 'No *Free-man* ſhall be taken or *impriſon'd*, *nor be* 'd*iſſeized of his Freehold*, *or Liberties*, or free Cu-'ſtoms, or be outlaw'd or exiled, or any other 'wayes deſtroyed, nor we ſhall not paſs upon him, 'nor condemn him, but by *Lawful Judgment of*

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'*his Peers*, or by the Law of the Land; We ſhall 'ſell to no Man, we ſhall deny or defer to no 'Man either Juſtice or Right.

I ſtand amazed, how any Man can have the Confidence to ſay, *Theſe Priviledges were exerted by the Barons Wars*, when the King declares, that what he did herein, was *freely*; or that they were *New* Priviledges, when the very Tenour of the Words prove the *contrary*; for *Freehold*, *Liberties*, or *Free Cuſtoms* are by the *Charter* it ſelf ſuppoſed to be *in the Poſſeſſion* of the Free-men at the making & publiſhing thereof. *No Free-man ſhall be taken or impriſon'd*; then he is *free*: This *Liberty is his Right*. Again, *No Free-man ſhall be diſſeized of his Freehold*, *Liberties*, *or free Cuſtoms*; then certainly he was *in Poſſeſſion* of them. And that great Father in the Laws of *England*, Chief Juſtice *Cook*, in his Proæm to the 2*d* Part of his *Inſtitutes*, *tells us*, *that thoſe Laws and Liberties were gather'd and obſerv'd among others in an intire Volumn by King* Edward *the Confeſſor*, confirm'd by *William*, ſirnamed the *Conqueror*, which were afterwards ratified by *Henry* the *firſt*; enlarged by *Henry* the *ſecond*, in his Conſtitutions at *Clarendon*; and after much Conteſt & Blood ſpilt between King *John* and the *Barons* concern'ng them, were ſolemnly eſtabliſh'd at *Running-Mead* near *Staines*, and laſtly brought to the former Station, and publiſht by this King *Henry the third*, in the 9th Year of his Reign: And though evil Counſellors would have provokt him to void his Father's act and his own, as if the firſt had been the Effect of *Force*, the other of *Non-Age*; yet it ſo pleaſed Almighty God, who hath ever been propitious to this Ungrateful Iſland that in the 20th of his Reign, he did confirm and compleat this *Charter*, for a perpetual Eſtabliſhment of *Liberty to all freeborn* Engliſh *Men and their Heirs forever*; ordaining, *Quod contravenientes per Dominum Regem eum convicti fuerint*, *graviter puniantur*. i. e. But whoſoever ſhould act any Thing contrary to theſe Laws, upon Conviction ſhould be grievouſly puniſh'd by our Lord the King. And in the 22d Year of his Reign, it was confirm'd by the Statute of *Marleb.*

Cook, Proæm. Inſtit. part 2.

52. *Hen.* 3. Stat. Marl. *Marleb.* c. 5. and ſo venerable an Eſteem have our Anceſtors had for this *Great Charter*, and indiſpenſibly neceſſary have they thought it to their own and Poſterities Felicity, that it hath been above 30. times ratified, and commanded under great *Penalties*, to be put in Execution. Here are the 3. *Fundamentals* comprehended, and expreſt to have been the Rights and Priviledges of *Engliſh* Men:

1. *Ownerſhip*, conſiſting of *Liberty* and *Property*: in that it ſuppoſeth *Engliſh Men* to be *Free*, there's *Liberty*; next, that they *have Freeholds*, there's *Property*.

2. That they have the *Voting of their own Laws*; for that was an ancient free Cuſtom, as I have already prov'd; and all ſuch Cuſtoms are expreſly confirm'd by this *Great Charter*; Beſides, the People helpt to make it.

3. An Influence upon, and a real *Share in the Judicatory Power*, in the Execution and Application of Law.

This is a ſubſtantial Part, thrice provided in thoſe 16. Lines of the *Great Charter* by us rehearſed: 1. *That no Amercement ſhall be aſſeſſed, but by the Oath of* good and honeſt Men of the Vicinage. 2. *Nor we ſhall not paſs upon him, nor condemn him, but by* Lawful Judgment of his Peers. 3. *Or by the* Law of the Land, which is *Synonymous*, or a Saying of equal Signification with Lawful Judgment of Peers; for, *Law of the Land*, and *Lawful Judgment of Peers* are the *Proprium quarto modo*, or eſſential Qualities of theſe Chapters of our *Great Charter*, being communicable *Omni ſoli & ſemper*, to all and every Clauſe thereof alike. Chief Juſtice *Cook* well obſerves, that *per legem terræ*, or by the Law of the Land, imports no more then a Tryal by Proceſs, and Writ original at common Law, which cannot be without the Lawful Judgment of Equals, or a common Jury; Therefore *per legale Judicium Parium*, by the Lawful Judgment of Peers, and *per legem Terræ*, by the Law of the Land, plainly ſignifie the ſame Priviledge to the People: So that it is the *Judgment of the Free-men of* England, which gives the Caſt and turns the Scale of *Engliſh Juſtice*.

Cook on c. 4. of 52. *E.* 3. Inſt. 2. *p.* 50.

Theſe Things being ſo evidently prov'd by long Uſe and ſeveral Laws, to have been the firſt Principles of

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Fundamentals to the *Engliſh* free Government, I take Leave to propoſe this Queſtion; *May the free People of* England *be juſtly diſſeized of all or any of theſe Fundamental Principles, without their Individual Conſent?*

Anſw. With Submiſſion to better Skill, I conceive, *Not*; for which I ſhall produce firſt my *Reaſons*; then *Authorities*.

1. Through the *Britiſh Saxon* and *Norman* Times, the People of this *Iſland* have been reputed and call'd *Freemen* by *Kings*, *Parliaments*, *Records* and *Hiſtories*; and as a *Son* ſuppoſes a *Father*, ſo *Free-men* ſuppoſe *Freedom*. This Qualification imports a ſupream *Right*, ſuch a Right as beyond which there is none on Earth to diſfree them, or deprive them of it; therefore an unalterable fundamental Part of the Government.

2. It can never be thought, that they intruſted any *Legiſlators* with this Capital *Priviledge* further then to uſe their beſt Skill to ſecure and maintain it; that is, ſo far as they were a Part of the *Engliſh* Government; They never ſo delegated or impower'd any Men, that *de jure they* could deprive them of that Qualification: and *a Facto ad Jus non valet Argumentum*; for the Queſtion is not, *What* MAY *be done*? but, *What* OUGHT *to be done*? Overſeers and Stewards are impower'd, not to Alienate, but Preſerve and Improve other Mens Inheritances. No *Owners* deliver their Ship and Goods into any Man's Hands, to give away, or run upon a Rock; neither do they conſign their Affairs to Agents or Factors without Limitation. All Truſts ſuppoſe ſuch a fundamental Right in them for whom the Truſts are as altogether indiſſolvable by the Truſtees. The *Truſt* is the *Liberty* & *Property* of the People; the Limitation is, that *It ſhould not be invaded, but inviolably preſerved*, according to the Law of the Land.

3. If *Salus Populi* be *ſuprema Lex*, the Safety of the People the higheſt Law, as ſay ſeveral of our ancient famous *Lawyers* and *Law-books*; then ſince the afore-ſaid *Rights* are as the Sinnews of this *free-Body politick*, or that ſoveraign Cordial without which this *free People* muſt needs

conſume and pine away into utter Bondage; it followes, they are the higheſt *Law*, and therefore ought to be a *Rule* and Limit to all ſubſequent Legiſlation.

4. The Eſtate goes before the Steward, the Foundation before the Houſe, *People* before their *Repreſentatives*, and the Creator before the Creature. The Steward lives by preſerving the Eſtate; The Houſe ſtands by Reaſon of its Foundation; the *Repreſentative* depends upon the *People*, and the Creature ſubſiſts by the Power of its Creator. Every *Repreſentative* in the World, is as the *Creature of the People*; for the People make them, and to them they owe their Being: Here is no *Tranſeſſentiating* or *Tranſubſtantiating* of being from *People* to *Repreſentative*, no more then there is an abſolute transferring of a *Title* in a Letter of Attorney; The very Term *Repreſentative* is enough to the contrary: Wherefore as the Houſe cannot ſtand without its Foundation nor the Creature ſubſiſt without its Creator; ſo can there be *No Repreſentative without a People*, nor that People *free*, which all along is intended (as inherent to, and inſeperable from the *Engliſh* People) *without* Freedom; nor can there be any *Freedom* without ſomething be Fundamental. In ſhort, I would fain know of any man, how the Branches can cut up the Root of the Tree that bears them? How any *Repreſentative* that is not only a meer *Truſt to preſerve Fundamentals*, the Peoples Inheritance; but, that is a *Repreſentative*, that *makes Laws* by Virtue of this Fundamental Law, that *the People hath a Power in Legiſlation* (the 2d *Principle* prov'd by me) can have Power to *remove* or *deſtroy* that Fundamental? The *Fundamental* makes the People *free*, this *free People* make a *Repreſentative*; Can this *Creature* unqualifie its *Creator*? What Spring ever roſe higher that its Head? The *Repreſentative* is at beſt but a true *Copy*, an *Exemplification*; the *free People* are the *Original*, not cancellable by a *Tranſcript*: And if that *Fundamental* that gives to the People a Power of *Legiſlation*, be not annullable by that *Repreſentative*, becauſe it makes it what it is; much leſs can that *Repreſentative* diſſeize Men of their *Liberty* and *Property*, the firſt Great *Fundamental*, that

that is the *Parent* of this other, which in titles to a Share in *making Laws* for the Preſervation of the firſt inviolably. Nor is the *third* other then the neceſſary Production of the two *firſt*, to intercept *Arbitrary Deſigns*, & make *Power legal*; for where the People have not a *Share in Judgment*, that is, in the Application, as well as making of the Law, the other two are imperfect, open to daily Invaſion, ſhould it be our infelicity to have a violent Prince: for as *Property* is every day expos'd, where thoſe that have it are deſtitute of *Power to headge it about* by *Law-making*; ſo thoſe that have both, if they have not the Application of the Law, but the Creatures of another Part of the Government, how eaſily is that Hedge broken down? And indeed, as it is a moſt juſt and neceſſary, as well as ancient and honourable Cuſtom, ſo it is the *Princes Intereſt*; for ſtill the People are concern'd in the Inconveniencies with him, and he is freed from the Temptation of doing arbitrary Things, and their Importunities, that might elſe have ſome Pretence for ſuch Adreſſes, as well as from the Miſchiefs that might enſue ſuch Actions. It might be enough to ſay, that here are *above* 50 *Statutes* now in Print, beſide its venerable Antiquity, that warrant & confirm this *Legale judicium Parium ſuorum*, or the Tryal of *Engliſh* Men *by their Equals*.

5. *Ed.* 3. c. 9 1
25. *Ed.* 3. c. 4
17. *R.* c. 6.

But I ſhall hint at a few Inſtances: The firſt is, *The E al of* Lancaſter in the 14th of *Edw.* 2. adjudged to dye without Lawful Tryal of his Peers, and afterwards *Henry Earl of* Lancaſter his Brother, was reſtored: the Reaſons given where two; 1. Becauſe the ſaid *Thomas* was *not arraign'd and put to Anſwer*; 2. That he was *put to Death without Anſwer*, or *Lawful Judgment of his Peers*. The like Proceedings where in the Caſe of *John of Gaunt*, p. 39. *coram Rege*. And in the *Earl of Arundel's* Caſe, *Rot. Parl.* 4 *Edw.* 3. n. 13. And in Sir. *John Alee's* Caſe, 4 *Edw.* 3. n. 2. Such was the Deſtruction committed on the *Ld. Haſtings* in the Tower of *London* by *Richard* the 3*d*. But above all, that Attainder of *Thomas Cromwel Earl of* Eſſex, who was attained of high Treaſon, as appears *Rot. Parl.* 32. *Hen.* 8. of which ſaith Chief Juſtice *Cook*, as I remember, *Let Oblivion take away the Memory of ſo foul a*

Rot. Parl. 42. *Ed.* 3. c. 3. *Cook*, 2 Inſt. 43. *Stamf.* pl. cor p. 150.

Fact, if it can; if not, however, let Silence cover it. 'Tis true, there was a Statute obtained in the 11*th* of *Henry* the 7*th*, in Defiance of the *Great Charter*, which authoriz'd several Exactions contrary to the free Customs of this Realm; particularly in the Case of *Juries*, both fessing and punishing by Justices of Assize, and of the Peace, without the fining and Presentment of 12. *Free-men*; *Empson* and *Dudley* were the great Actors of those Oppressions, but they were *hang'd* for their Pains, and that illegal Statute repealed in the 1*st* of *Henry* the 8*th*, c. 6. The Consequence is plain; That Fundamentals give Rule to Acts of Parliament, else why was the Statute of the 8*th Edw.* 4. c. 2. of *Liveries* and *Information* by the Discretion of the Judges to stand as an Original? and this of the 11*th* of *Henry* the 7*th* repealed as illegal? for, therefore any Thing is unlawful, because it transgresseth a Law: But what Law can an *Act* of *Parliament* transgress, but that which is Fundamental? Therefore *Tryal* by *Juries* or Lawful Judgment of *Equals*, is by *Acts* of *Parliament* confest to be a *Fundamental* Part of our Government: And because Chief Justice *Cook* is generally esteem'd a great *Oracle of Law*, I shall in its proper Place present you with his Judgment upon the whole Matter.

5. These Fundamentals are *unalterable* by a *Representative*, which were the Result and Agreement of *English Free-men* individually, the ancienter Times not being acquainted with Representatives; for then the Free men met in their own Persons: In all the *Saxons* Story we find no Mention of any such Thing; for it was the *King, Lords and Free-men, the Elders and People*; and at the Council of *Winton*, in 855. is reported to have been present *the Great Men of the Kingdom, and an* INFINITE MULTITUDE *of other faithful People*. Also that King *Ina*, the *common Council of the Elders &* PEOPLE *of the* WHOLE *Kingdom*. It is not to be doubted but this continued after the *Norman* Times; and that at *Running Mead* by *Staines*, the *Free-men of* England *were personally present at the Confirmation of that great Charter*, in the Reign of King *John*:

LL. *Sax. Lam. Concil. Brit.* 216. *Ingulph.*

But

But as the Ages grew more human, with respect to Villains and Retainers, and the *Number of Free-men* encreased, there was a *Necessity* for a *Representative*, especially since Fundamentals were long ago agreed upon, and those *Capital Priviledges* put out of the Reach and Power of any little Number of Men to endanger: And so careful were their *Representatives* in the time of *Edward* the *Third*, of suffering their *Liberties* and *free Customs* to be infring'd, that *in Matters of extraordinary Weight they would not determine, till they had first return'd and conferr'd with their several Counties or Burroughs that delegated them.*

Rot. Parl. 13 *Ed* 3. n. 8. *Cook*, 4 Inst. fol. 34. n. 34.

Several Authorities *in Confirmation of the* Reasons.

So indubitably are these *Fundamentals* the *Peoples Right*, and so necessary to be preserved, that *Kings* have successively known no other *safe* or legal *Passage to their Crown & Dignity*, then their solemn Obligation inviolably to maintain them. So *sacred* were they reputed in the Dayes of *Henry* the 3*d*, that not to continue or confirm them, were *to affront* God, *and damn the* Souls *of his Progenitors and Successors*; *to Depress the Church, and Deprave the Realm*: That *the Great Charter comprehensive of them should be allow'd as the* common Law of the Land, *by all Officers of Justice*; *that is the* lawful Inheritance *of all Commoners*: That *all Statute-Laws or Judgments whatsoever, made in Opposition thereunto, should be null and void*: That *all the Ministers of State and Officers of the Realm, should constantly be sworn to the Observation thereof*: and so deeply did *after Parliaments* reverence it, and so careful were they to preserve it, that they both confirm'd it by 32. several *Acts* and *enacted* Copies *to be taken and lodg'd in each Cathedral of the Realm, to be read four times a Year publickly before the People*; as if they would have them more oblig'd to their *Ancestors* for redeeming and transmitting those *priviledges*, then for begetting them: And that *Twice every Year the* Bishops, *apparel'd in their* Pontificials, *with Tapers burning*, and other Solemnities

Preambl. 9. *Henr.* 3. 25. *Ed.* 1. c. 1 42. *Ed.* 3. c. 1 *Rot. Parl.* 15 *Edw.* 3. n. 10 37. *Cook*, 1 Inst. f. 81. *Cook*, 2. Inst. f. 525. 526. 25. Edw. 1. c. 3. 28. Edw. 1. c. 1. 25. Edw. 1.

ſhould pronounce the greater Excommunication againſt the Infringers of the Great Charter, *though it were but in Word or Counſel*; for ſo ſaith the Statute. I ſhall, for further Satisfaction, repeat the *Excommunication* or *Curſe*, pronounced both in the dayes of *Henry* the *Third*, and *Edward* the *Firſt*.

The Sentence of the Curſe given by the Biſhops, with the King's Conſent, againſt the Breakers of the Great Charter.

IN the year of our Lord 1253. the third day of *May*, in the great Hall of the King at *Weſtminſter*, in the Preſence, and by the Conſent of the Lord *Henry*, by the Grace of God King of *England*, and the Lord *Richard*, Earl of *Cornwal*, his Brother; *Roger Bigot*, Earl of *Norfolk*, Marſhal of *England*; *Humphry*, Earl of *Hereford*; *Henry*, Earl of *Oxford*; *John*, Earl Warren; and other Eſtates of the Realm of *England*; We *Boniface*, by the Mercy of God, Arch-Biſhop of *Canterbury*, Primate of *England*, *F.* of *London*, *H.* of *Ely*, *S.* of *Worceſter*, *E.* of *Lincoln*, *W.* of *Norwich*, *P.* of *Hereford*; *W.* of *Salisbury*, *W.* of *Durham*, *R.* of *Exceſter*, *M.* of *Carliſle*, *W.* of *Bath*, *E.* of *Rocheſter*, *T.* of St. *Davids*, Biſhops, apparell'd in Pontificials, with Tapers burning, againſt the Breakers of the Churches Liberties, and of the Liberties and other Cuſtoms of this Realm of *England*, and namely theſe which are contained in the *Charter* of the *Common Liberties* of *England*, and *Charter* of the *Forreſt*, have denounced Sentence of *Excommunication* in this Form, By the Authority of Almighty God, the Father, the Son, and the Holy Ghoſt, &c. of the bleſſed Apoſtle *Peter* and *Paul*, and of all Apoſtles and of all Martyrs, of bleſſed *Edw.* King of *England*, and of all the Saints of Heaven, We Excommunicate and

Accurſe

Accurſe, and from the Benefit of our Holy Mother, the Church, we ſequeſter all thoſe that hereafter willingly and maliciouſly deprive or ſpoil the *Church of her Right*; and all thoſe that by any Craft or Willingneſs, do violate, break, diminiſh, or change the Churches Liberties and free Cuſtoms, contained in the *Charters* of the *Common Liberties*, and of the *Foreſt*, granted by our Lord the King, to Arch-Biſhops, Biſhops, and other Prelates of *England*, and likewiſe to the Earls, Barons, Knights and other Free-holders of the Realm; and all that ſecretly and openly, by Deed, Word or Counſel do make *Statutes*, or obſerve them being made, and that bring in *Cuſtoms* to keep them, when they be brought in, againſt the ſaid *Liberties*, or any of them, and all thoſe that ſhall preſume to judge againſt them; and all and every ſuch Perſon beſore-mention'd, that wittingly ſhall commit any thing of the Premiſes, let them well know, that they incur the aforeſaid Sentence, *ipſo facto*.

The Sentence of the Clergy againſt the Breakers of the Articles above-mentioned.

IN the Name of the Father, the Son, and the Holy Ghoſt, *Amen*: Whereas our Soveraign Lord the King, to the Honour of God, and of holy Church, and for the common Profit of the Realm, hath granted for him and his Heirs forever theſe Articles above-written, *Robert* Arch-Biſhop of *Canterbury*, Primate of all *England*, admoniſhed all his Province once, twice and thrice, becauſe that Shortneſs will not ſuffer ſo much delay as to give Knowledge to all the People of *England*, of theſe Preſents in writing: We therefore enjoyn all Perſons, of what Eſtate ſoever they be, that they, and every of them

them, as much as in them is, ſhall uphold and maintain theſe Articles granted by our Soveraign Lord the King, in all Points: And all thoſe that in any Point do reſiſt or break, or in any manner hereafter Procure, Counſel, or in any wiſe Aſſent to, Teſtifie or Break thoſe Ordinances, or go about it, by Word or Deed, openly or privily, by any manner of Pretence or Colour; we, the aforeſaid Arch-Biſhop, by our Authority in this Writing expreſſed, do Excommunicate and Accurſe, and from the Body of our Lord Jeſus Chriſt, and from all the Company of Heaven, and from all the Sacraments of Holy Church do ſequeſter and exclude.

We may here ſee, that in the obſcureſt Time of *Popery* they were not left without a Sence of Juſtice; and the *Papiſts*, whom many think no Friends to Liberty and Property, under dreadful Penalties injoyn an inviolable Obſervance of this great Charter, by which they are confirm'd. And though I am no *Roman Cartholick*, and as little value their other Curſes pronounc'd upon Religious Diſſenters, yet I declare ingenouſly, I would not for the World incur this Curſe as every Man deſervedly doth, that offers Violence to the Fundamental Freedoms thereby repeated and confirmed: And that any *Church* or *Church Officers* in our Age, ſhould have ſo little Reverence to *Law*, *Excommunication or Curſe*, as to be the Men that either vote or countenance ſuch Severities, as bid Defiance to the *Curſe*, and rend this memorable *Charter* in pieces, by diſſeizing *Free men* of *England* of their *Freeholds*, *Liberties* and *Properties*, meerly for the Inoffenſive Exerciſe of their Conſcience to God, in Matter of Worſhip, is a Civil ſort of *Sacrilege*.

I Know it is uſually objected, That *a great Part of the* Charter *is ſpent on the Behalf of the* Roman *Church, and other Things now aboliſht; and if one Part of the great Charter may be repeal'd or invalidated, why not the other?*

To which I anſwer; This renders nothing that is *Fundamental* in the Charter the leſs valuable; for they do not ſtand upon the Legs of *that Act*, though it was made in Honour of them, but the *Ancient and primative Inſtitution of the Kingdom*. If the Petition

tition of Right were repeal'd, the *great Charter* were never the less in Force, it being not the the *Original* Eſtabliſhment, but a *Declaration and Confirmation* of that Eſtabliſhment: But theſe Things that are abrogable or abrogated in the *great Charter*, were never a Part of Fundamentals, but hedg'd in then for preſent Emergency or Conveniency. Beſides, that which I have hitherto maintained to be the Common and Fundamental Law of the Land, is ſo reputed, and further ratified by the *Petition of Right*, 3 *Car.* 1. which was long ſince the *Church* of *Rome* loſt her Share in the *Great Charter*. Nor did it relate to Matters of Faith and Worſhip, but Temporalities only; the Civil Intereſt or Propriety of the Church: But with what Pretence to Mercy or Juſtice, can the *Proteſtant Church* null the *Romiſh*, that ſhe may retain the *Engliſh Part* without conforming to *Rome*, and yet now cancel the *Engliſh Part* it ſelf to every free-born *Engliſh* Man that will not conform to Her? But no more of this at this Time; only give me leave to remind a Sort of active Men in our Times, that the cruel Infringers of the Peoples Liberties, and Violaters of theſe Noble Laws, did not eſcape with bare *Excommunications* and *Curſes*; for ſuch was the venerable Eſteem our Anceſtors had for theſe great Priviledges, and deep Solli ci ude to preſerve them from the Defacings of Time, or Uſurpation of Power that King *Alfred* e e uted 40 *Judges* for warping form the ancient Laws of the Realm. *Hubert de Burgo*, Chief Juſtice of *England* in the Time of *Edw* 1. was ſentenced by his Peers in open Parliament for adviſing the King againſt the *Great Charter*. Thus *Spencers*, both Father and Son for *Arbitrary Rule* and *Evil Counſel* to *Edw.* 2. exiled the Realm. No b tter Succeſs had the Actions of *Treſil.an* & *Belknap*: And as for *Empſon* and *Dudley*, though Perſons of ſome C rasity in the Time of King *Henry* the 7th, t e moſt ignominious Death of our Country, ſuch as belongs to *Theft* and *Murder*, was ſcarce Satisfaction enough to the Kingdom for their Illegal Courſes. I ſhall chuſe to deliver it in the Words of Chief Juſtice *Coke*, a Man, whoſe Learning in Law hath not without Reaſon obtained a venerable Character of our *Engliſh* Nation.

'There was (ſaith he) an act of Parliament, made the 11th Year 'of King *Hen.* 7. which had a fair flattering Preamble, pretending to 'avoid divers Miſchiefs, which were (1ſt) To the high Diſpleaſure of

'*Almighty God* (2*dly*) *The great Let of the Common Law.* And '(3*dly*) *The great Let of the Wealth of this Land.* And the Purven 'of that Act, tended in the Execution contrary, EX DIAMETRO, 'viz. *To the high Diſpleaſure of Almighty God, and the great Let* 'nay, *the utter Subverſion of the Common Law, and the great Let* '*of the Wealth of this Land,* as hereafter ſhall appear; the Sub-'ſtance of which Act follows in theſe Words.

THat *from thence forth, as well Juſtices of Aſſize, as Juſtices of the Peace, in every County, upon Information for the King,* before them made, without any Finding or Preſentment by Twelve Men, *ſhall have full Power and Authority, by their Diſcretion; and to hear and determine all Offences, as Riots, unlawful Aſſemblies, &c. committed and done againſt any Act or Statute made, and not repeal'd, &c.*

'By Pretext of this Law *Empſon* and *Dudley* did commit 'upon the Subjects inſufferable Preſſure and Oppreſſions; and 'therefore this Statute *was juſtly, ſoon after the Deceaſe of* Hen. 7. '*repealed,* at the next Parliament, by the Statute of 1 *Hen.* 8. 'chap. 6.

'*A good* Caveat *to Parliaments, to leave all Cauſes to be meaſur'd* 'by *the Golden and Strait Metwand of the Law,* and not to the in-'certain and crooked Cord of Diſcretion.

'It is almoſt incredible to foreſee, when any *Maxim,* or *Fun-'damental Law of this Realm is alter'd* (as elſewhere hath been ob-'ſerved) *what dangerous Inconveniencies do follow*; which moſt 'expreſly appears by this MOST UNJUST and ſtrange Act of 'the 11th of *Hen.* 7. For hereby not only *Empſon* and *Dudley* 'themſelves, but ſuch Juſtices of Peace (Corrupt Men) as they 'cauſed to be authoriſed, committed moſt grievous and heavy Op-'preſſions & Exactions, grinding the Faces of the poor Subjects by 'penal Laws (be they never ſo obſolete, or unfit for the Time) by 'Information only, without any Preſentment or Tryal by Jury, be-'ing the ANCIENT BIRTH-RIGHT of the Subject; but to hear 'and determine the ſame, by their Diſcretions, inflicting ſuch Pe-'nalty as the Statute not repealed, impoſed. Theſe, and other like

'Oppreſſions,

'Oppreſſions and Exactions by the Means of *Empſon* and *Dudley*, 'and their Inſtruments, brought infinite Treaſure to the King's Cof-'fers, whereof the King himſelf, at the End, with GREAT 'GRIEF and COMPUNCTION REPENTED, as 'in another Place we have obſerv'd.

'This Statute of the 11th of *Hen.* 7. we have recited, and ſhew-'ed the juſt Inconveniencies thereof, to the End that the like ſhould 'NEVER hereafter be attempted in any Court of Parliament; 'and that others might avoid the FEARFUL END of thoſe two 'Time-Servers, *Empſon* and *Dudley*, *Qui eorum veſtigiis inſiſtant*, '*exitus perhorreſcant.*

I am ſure, there is nothing I have offer'd in Defence of *Engliſh* Law-Doctrine, that riſeth higher then the Judgment and Language of this great Man, the Preſervation and Publication of whoſe Endeavours became the Care of a great Parliament. And it is ſaid of no inconſiderable *Lawyer*, that he ſhould thus expreſs himſelf in our Occaſion, viz. *The Laws of* England *were never the Dictates of any Conqueror's Sword; or the* Placita *of any King of this Nation; or* (ſaith he) *to ſpeak impartially and freely, the Reſults of any* Parliament *that ever ſate in this Land.*

Thus much of the *Nature* of *Engliſh* Rights, and the *Reaſon* and *Juſtice* of their inviolable Maintenance. I ſhall now offer ſome more general Conſiderations for the Preſervation of *Property*, and hint at ſome of thoſe Miſchiefs that follow ſpoiling it for Conſcience ſake, both to *Prince* and *People*.

1. The Reaſon of the alteration of any Law, ought to be the Diſcommodity of Continuing it; but there can never be ſo much as the leaſt *Inconveniency* in continuing of *Liberty* and *Property*; therefore there can be no juſt Ground for *infringing*, much leſs *abrogating* the Law that gives and ſecures them.

2. No Man in theſe Parts is born *Slave* to another; neither hath one Right to inherit the Sweat of the others Brow, or reap the Benefit of the others Labours, but by Conſent; therefore no Man ſhould be deprived of *Property*, unleſs he injure another Man's.

3. But certainly, nothing is more unreaſonable then to *ſacrifice the Liberty* and *Property* of any Man (being his *Natural* and *Civil Rights*) for *Religion*, where he is not found breaking any Law relating to Natural & Civil Things. *Religion*, under any Modification is

no Part of the old *Engliſh Government*; *Honeſte vivere, alterum non ladere, jus ſuum cuiq; tribuere*, are enough to entitle every Native to *Engliſh* Priviledges: A Man may be a very good *Engliſh* Man, and yet a very indifferent *Church man*. Nigh 300. Years before *Auſtine* ſet his Foot on *Engliſh* Ground, had the Inhabitants of this Iſland a *free* Government. It is Want of diſtinguiſhing between *It* and the *Modes* of Religion, which fills every Clamorous Mouth with ſuch impertinent Cryes as this; *Why do not you ſubmit to the Government?* as if the *Engliſh* Civil Government came in with *Luther*, or were to go out with *Calvin*: What Prejudice is it for a *Popiſh Landlord* to have a *Proteſtant Tennant* or a *Preſbyterian Tennant* to have a *Proteſtant Landlord*? Certainly, the *Civil Affairs* of all Governments in the World may be peaceably tranſacted under the different *Trims of Religion*, where *Civil Rights* are inviolably obſerv'd. Nor is there any Intereſt ſo inconſiſtent with *Peace* and *Unity*, as that which dare not ſolely rely upon the Power of *Perſwaſion*, but affects *Superiority*, and impatiently ſeeks after an Earthly *Crown*: This is not to act the *Chriſtian*, but the *Ceſar*; not to promote *Property*, but *Party*, and make a *Nation* Drudges to a *Sect*. Be it known to ſuch Narrow Spirits, we are a *Free People* by the *Creation* of God, the *Redemption* of Chriſt and careful *Proviſion* of our (never to be forgotten) honourable Anceſtors: So that our Claim to theſe *Engliſh Priviledges* riſing higher then the Date of *Proteſtancy*, can never juſtly be invalidated for any *Non-conformity* to it This were to *looſe* by the Reformation, which God forbid; I am ſure 'twas to *enjoy Property* with Conſcience that promoted it: Nor is there any better *Definition* of *Proteſtancy*, then *proteſting againſt Spoiling* Property *for Conſcience*. I muſt therefore take Leave to ſay, that I know not how to reconcile what a Great Man lately deliver'd in his Eloquent *Harangue* to the *Houſe of Lords*: His Words are theſe,

'For when we conſider Religion in *Parliament* we are ſuppoſed 'to conſider it as a *Parliament* ſhould do, and as *Parliaments* in 'all Ages have done, that is, as it is a Part of our Laws, a Part, 'and a neceſſary Part of our Government: For as it works upon 'the Conſcience, as it is an INWARD PRINCIPLE of the 'DIVINE LIFE, by which good Men do govern all their Actions,

'the

'the State hath nothing to do with it, it is a thing which belong
'to another kind of Commission, then that by which we sit here.

I acquiesce in the latter Part of this *Distinction*, taking it to be a venerable Truth, and would to God Mankind would believe it, and live it; but how to agree it with the former, I profess ignorance; for if the Government hath *nothing* to do with the *Principle* it self, what more can she pretend over the Actions of those Men that live that *good Life*? Certainly if *Religion* be this Principle of *Divine Life*, exerting it self by Holy Living, and that as such, it belongs not to the Commission of our *Superiours*, I do with submission conceive, that there is very litle else of *Religion* left for them to have to do with; that rest merits not the *Name* of Religion, and less doth such a Formality deserve Persecution: I hope such Circumstances are no necessary Part of *English* Government, that can't reasonably be reputed a necessary Part of *Religion*; and I dare believe, that he is too great a *Lawyer*, upon second Thoughts, to repute that *a Part of our Laws, a Part & a necessary Part of our Government*, that is such a Part of Religion, as is neither the *Divine Principle*, nor yet the *Actions immediately flowing from it*, since the Government was most compleat and prosperous many ages without it, and hath never known more perplext Contests and troublesome Interruptions, then since it hath been receiv'd and valu'd as a Part of the *English* Government; and God, I hope, will forbid it in the *Hearts* of our Superiours, that *English* Men should be deprived of their *Civil Inheritance* for their *Nonconformity* to Church-Formality: For no *Property* out of the Church; the plain *English* of publick Severity, is a Maxim that belongs not to the holy Law of God, nor Common Law of the Land.

4. If Liberty and Property must be the *Forfeit of Conscience* for *Non conformity* to the Prince's Religion, the *Prince* and his Religion shall only be lov'd as the next best Accession to other Mens Estates, and the *Prince* perpetually provoakt to expose many of his Inoffensive People to *Beggary*.

5. It is our Superiours *Interest*, that Property be preserved, because it is their own Case: None have more *Property* then themselves; But if *Property* be exposed for *Religion*, the Civil *Magistrate* exposeth both his *Conscience* and his *Property* to the *Church*, and disarms himself of all Defence upon any Alteration of Judg-

ment. This is for the *Prince* to fall down at the *Prelate's* Foot, and the *State* to ſuffer it ſelfe to be rid by the *Church*.

6. It obſtructs all *Improvement* of Land and Trade; for who will labour that hath no *Propriety*, or hath it expoſed to an unreaſonable Sort of Men for the bare Exerciſe of his Conſcience to God, and a poor *Country* can never make a Rich and Powerful *Prince*. Heaven *is therefore* Heaven *to Good and Wiſe Men, becauſe they have an* Eternal Propriety *therein*.

7*thly*, This Sort of Procedure hitherto oppugn'd to the behalf of *Property*, puts the whole Nation upon miſerable *Uncertainties* that are follow'd with great *Diſquiets* and *Diſtractions*, which certainly it is the Intereſt of all Governments to prevent: The Reigns of *Henry* 8. *Edw.* 6. *Q. Mary* and *Q. Eliz.* both with relation to the *Marriages* of the firſt, and the *Religious Revolutions* of the reſt, are a plain Proof in the Caſe.

King *Henry* voids the *Pope's Supremacy*, and aſſumes it himſelf, *Q. Mary* his Daughter by his firſt Wife *Katharine*, repeals all thoſe *Acts* made ſince the 12th of *Henry* 8. in Diſfavour of the *Pope*.; Oaths taken on both ſides to maintain thoſe Laws. *Edw.* 6. enacts *Proteſtancy* with an *Oath* to maintain it. 1 *Q. Mary*, c. 1. This is abrogated; *Popery* ſolemnly reſtored, and an *Oath* inforc'd to defend it. Comes *Q. Elizabeth* and repeals that Law, calls back *Proteſtancy*, ordains a new *Oath* to *un-Oath*, Q. Mary's *Oath* and all this under the Penalty of looſing *Eſtate*, *Liberty* and ſometimes *Life* it ſelf; which Thouſands to avoid, lamentably *perjur'd* themſelves four or five times over within the ſpace of 20. Years: in which *Sin* the *Clergy* tranſcended, not an *Hundred* for every *Thouſand* but left their *Principles* for their *Pariſhes*. Thus hath *Conſcience* been debaucht by *Force*, and *Property* toſs'd up and down by the impetuous Blaſts of *ignorant Zeal*, or *ſiniſter Deſign*.

8. Where *Liberty* & *Property* are violated, there muſt alwayes be a State of *Force*: And (though I pray God that we never need thoſe Cruel Remedies, whoſe Calamitous Effects we have too lately felt) yet certainly, *S E L F-Preſervation* is of all Things deareſt to Men, inſomuch, that being conſcious to themſelves of not having done an ill thing to defend their *unforfeited Priviledges*, they cheerfully hazard all they have in this World; ſo ſtrangely *vindictive* are the Sons of Men in Maintenance of their *Rights*: And ſuch are the Cares, Fears, Doubts and Inſecurities

of

of that Administration, as render Empire a *Slavery*, and Dominion the worst Sort of *Bondage*: on the contrary, nothing can give greater Cheerfulness, Confidence, Security and Honour to any *Prince*, then ruling by Law; for it is both a Conjunction of *Title* with *Power*, and attracts *Love*, as well as it requires *Duty*.

Give me Leave without any Offence, for I have God's Evidence in my own Conscience, I intend nothing but a respectful Caution to my *Superiours*, to confirm this Reason with the Judgment and Example of other Times. The Governours of the *Eleans* held a strict Hand over the People, they being in Despair, call'd in the *Spartans* for Relief, and by their Help freed all their Cities from the sharp Bondage of their Natural Lords.

The State of *Sparta* was grown Powerful, and oppress the *Thebans*, they, thought but a week People, yet whetted the Despair, and the Prospect of greater Miseries, by the *Athenians* deliver'd themselves from the *Spartan* Yoak.

Nor is there any other considerable Reason given for the Ruin of the *Carthagenian* State, then Avarice and Severity. More of this is to be found in *W. Raileigh*'s History of the World, *lib.* 3. who hath this witty Expression in the same Story, *l.* 5. of a severe Conduct, 'When *a forced Government*, saith he, *shall decay in* 'Strength, *it will suffer, as did the old* Lion, *for the Oppression done* 'in his Youth, *being pincht by the Wolf, gor'd by the Bull, and kickt* 'also *by the Ass*.

This lost *Cæsar Borgia*, his New and Great Conquests in *Italy*: No better Success attended the severe Hand held over the People of *Naples* by *Alphonso* and *Ferdinand*. 'Twas the undue Severity of the *Sicilian* Governours, that made the *Syracusans*, *Leontines* and *Messenians* so easie a Conquest to the *Romans*. An harsh Answer to a petitioning People lost *Roboam* Ten Tribes. On the contrary, in *Livy*, Dec. 1. l. 3. we find that *Petilia*, a City of the *Brutians* in *Italy*, chose rather to endure all Extremity of War from *Hannibal*, then upon any Condition to desert the *Romans*, who had govern'd them moderately, and by that gentle Conduct procur'd their *Love*, even then, when the *Romans* sent them Word, they were not able to relieve them, and wisht them to provide for their own Safety.

N. Machiavel, in his Discourses upon *Livy*, p. 542. tells us, that

that one Act of *Humanity* was of more Force with the Conquer'd *Faliſci*, then many violent Acts of *Hoſtility*; which makes good that Saying of Seneca, *Mitius imperanti melius paretur*, They are beſt obeyed that govern moſt mildly.

9. And *laſtly*, If theſe ancient *Fundamental Laws*, ſo agreeable with *Nature*, ſo ſuited to the Diſpoſition of our *Nation*, ſo often defended with *Blood and Treaſure*, ſo carefully and frequently ratified, ſhall not be to our great Pilots, as Stars or Compaſs for them to ſteer the Veſſel of this Kingdom by, or *Limits* to their *Legiſlation*, no Man can tell how long he ſhall be *ſecure of his Coat*, *enjoy his Houſe*, *have Bread to give his Children*, *Liberty to work for Bread*, and *Life to eat it*: Truly, this is to Juſtifie what we condemn in *Roman Catholiks*. It is one of our main *Objections*, that *their Church aſſumes a Power of aſſuring People what is* Religion, *thereby denying Men the* Liberty *of walking by the Rules of their own Reaſon, or Precepts of Holy Writ*. To which we oppoſe both: We ſay, the *Church* is tyed to act nothing *contrary* to Reaſon; and that *Holy writ* is the declar'd fundamental *Law* of Heaven to maintain, and not to uſurp upon which, power is given to the true *Church*. Now let us apply this *Argument* to our Civil affairs and it will certainly end in a reaſonable *Limitation of our Legiſlators*, that they ſhould not *impoſe* that upon our underſtandings, which is *inconſiſtent* with them to embrace; nor offer any the leaſt *violation* upon the Fundamental *Law of the Land*, from whence they derive their Power, to proſper ſuch Attempts: Do the *Romaniſts ſay*, *Believe as the Church Believes*; do not the *Proteſtants*, and which is harder, *Legiſlators* ſay ſo too? Do we ſay to the *Romaniſts*, at this rate, *Your Obedience is blind*, and *your Ignorance is the Mother of Devotion*; Is it not alſo true of our ſelves? Do we object to them, *This makes your* Religion *fluid as the Rivers*, *one Thing to Day*, *and another to morrow*, *any Thing the* Church *ſaith or doth*? Doth not our own Caſe ſubmit us to the like Variation in Civils? Have we not long told them, that *under Pretence of obeying the Church*, *and not controling her Power*, *ſhe hath raiſed a Superſtructure inconſiſtent with that Foundation ſhe pretends to build upon*? And are not we the Men in *Civils*, that make our grand Priviledges to depend upon *Men*, not Laws, as ſhe doth upon *Councils*, not Scripture? If this be not Popery in Temporals, what is?

It

It is humbly beſeecht of thoſe *Superiours*, that it would pleaſe them to conſider what *Reflection* ſuch ſeverity juſtly brings upon their Proceedings; and remember, that in their ancient *Delegations*, it was not to define, reſolve and *impoſe Matters* of Religion, and *ſacrifice Civil Priviledges for it*; but, to maintain the *Peoples Properties*, according to the ancient Fundamental *Laws of the Land*, and to ſuperadd ſuch *Statutes* only, as were conſiſtent with, and *preſervative of thoſe Fundamental Laws*.

To conclude this Head; My plain and honeſt Drift has all along been neither more nor leſs then this, to ſhow that *Church-Government* is no real part of the old *Engliſh Government*; and to diſintangle *Property* from *Opinion*, the untoward Knot the *Clergy* for ſeveral Ages have tyed; the which it is not only the Peoples *Right*, but our Superiours *Intereſt* to undo: for it gauls both People and Prince. For, where *Property* is ſubjected to *Opinion*, the *Church* interpoſes, and makes ſomething elſe requiſite to enjoy *Property*, then belongs to the Nature of *Property*; and the Reaſon of our *Poſſeſſion* is not our Right by and Obedience to the *common Law*, but Conformity to *Church Law*; a thing dangerous to Civil Government; for 't is an Alteration of o'd *Engliſh* Tenure, a ſuffering the *Church* to trip up & ſupplant the *State*, and a making People to owe their Protection not to the *Civil*, but *Eccleſiaſtical* Authority: For let the *Church* be my *Friend*, and all is well; make her my *Foe*, and I am made her Prey; Let *Magna Charter* ſay what ſhe will for me, my *Horſes*, *Cows*, *Sheep*, *Corn*, *Goods* go firſt, my *Perſon* to *Geal* next; and here's ſome *Church Trophys* made at the Conqueſt of a peaceable *Diſſenter*: This is that anxious Thing; May our *Superiors* pleaſe to weigh it in the equal Scale of *Doing as they would be done by*. Let thoſe Common *Laws* that fix and preſerve *Property* be the Rule and Standard. Make *Engliſh* Men's *Rights* as inviolable as *Engliſh Church Rights*: Diſintangle and diſtinguiſh them; And let not Men ſuſtain *Civil* Puniſhments for *Eccleſiaſtical* Faults, but for Sins againſt the ancient eſtabliſht Civil Government only, that the Natures of acts and Rewards may not be confounded; ſo ſhall the *Civil Magiſtrate* preſerve *Law*, ſecure his *Civil Dignity* and *Empire*, and make himſelf *Belov'd* of *Engliſh* Men, whoſe Cry is, and the Cry of whoſe Laws has ever been, *Property more ſacred then Opinion*, *Civil Right not concerned with Eccleſiaſtical Diſcipline*, *nor forfeitable for Religious Non conformity*.

But

But though an inviolable Preſervation of *Engliſh Rights* of all things beſt ſecureth to our *Superiours* the Love and Allegiance of the People; yet there is ſomething further, that with Submiſſion I offer to their ſerious Conſideration, which in the ſecond place concerns their *Intereſt*, and the *Peoples Felicity*; and that is their *Diſcord* about *Religion*, notwithſtanding their unanimous Cry for *Property*, a prudent Mannagement of which may return to the great Quiet, Honour and Profit of the Kingdom.

II. *Our* SUPERIOURS *governing themſelves upon a* BALLANCE, *as near as may be, towards the ſeveral Religious* INTERESTS.

TO perform my part in this Point, I ſhall not at this time make it my Buſineſs to manifeſt the *Inconſiſtency* that there is between the *Chriſtian* Religion, and a *forc'd Uniformity*; not only becauſe it hath been ſo often and excellently done by Men of Wit, Learning and Conſcience, and that I have elſe-where largely deliver'd my Senſe about it; but becauſe *Every free and impartial Temper* hath of a long time obſerv'd, that ſuch *Barbarous Attempts* were ſo far from being indulg'd, that they were moſt ſeverely *prohibited by* Chriſt *himſelf*, who inſtructed his Diſciples, *to love their Enemies*, not to *perſecute their Friends* for every Difference in *Opinion*; That the *Tares* ſhould grow with the *Wheat*; That *his Kingdom is of this World*; That *Faith is the Gift of God*, That the *Will* and *Underſtanding* of Men are *Faculties* not to be workt upon by *Corporal Penalties*; That TRUTH *is all ſufficient to her own Relief*; That ERROR *and* ANGER go together; That *baſe Coyn only* ſtands in need of *Impoſition* to make it current, but that *True Metal* paſſeth for its own intrinſick *Value*; with a great deal more of that Nature: I ſhall therefore chuſe to oppoſe my ſelf at this time to any ſuch *Severity* upon meer *Prudence*; that ſuch as have *No Religion*, and certainly *They that perſecute for* Religion, *have as little as need to be*, may be induc'd to *Tolerate* THEM *that have*.

I in-,

First, However advisable it may be in the Judgment of some wise Men, to prevent even by Force, the Arising of any *New Opinions*, where a Kingdom is universally of another Mind; especially, if it be odious to the People, and inconsistent with the Interest of the Government; it cannot be so, where a Kingdom is of *many Minds*, unless some one Party have the Wisdom, Wealth, Number, Sober Life, Industry and Resolution of its side, which I am sure is not to be found in *England*; So that the Wind hath plainly shifted its Corner, and consequently obligeth to another Course; I mean, *England*'s Circumstances are greatly chang'd, and they require *New Expedients*, and other sorts of *Applications*. *Physicians* vary their Medicines according to the Revolution and Commixture of Distempers. They that seek to tye the Government to obsolete and inadequate Methods (supposing them once apt, which Cruelty in this Case never was) are not Friends to its Interest, whatever they may be to their own. If our *Superiours* should make it their Business so to prefer *One Party*, as to depress the *Rest*, they insecure themselves by making them Friends to be their Enemies, who before were one anothers: To be sure, it createth *Hatred* between the Party advanc'd, and those depress; *Jacob*'s preferring *Joseph*, put his Brethren upon that Conspiracy against him. I will allow that they may have a more particular Favour for the *National Religion* (if they can think She deserves it) then for any other Perswasion, but not more then for all other Parties in *England*; that would break the *Ballance*, the keeping up of which will be, to make every Party to owe its Tranquillity to their Prudence and Goodness, which will never fail of Returns of Love and Loyalty; for since we see each *Interest* looks jealously upon the other, 'tis reasonable to believe, They had rather the Dominion should lodge where it is, while universally *impartial* in their Judgment, then to trust it with any one Sort of themselves. Many inquisitive Men into human Affairs, have thought, that the Concord of Discords hath not been the infirmest *Basis* Government can rise or stand upon: It hath been observed, that less Sedition and Disturbance attended *Hannibal*'s Army, that

conſiſted of many Nations, then the *Roman* Legions, that were of one People; It is marvelous, how the Wiſdom of that Gene-ral ſecured them to his Deſigns: *Livy* ſaith, 'that his Army for 'Thirteen Years, that they roaved up and down the *Roman* Em-'pire, made up of many Countries, divers Languages, Laws, 'Cuſtoms, Religions, under all their Succeſſes of War and 'Peace, *never Mutined*: *Malvetzy* as well as *Livy*, aſſcribes it to that Variety, well mannaged by the General. By the like Pru-dence *Jovianus* and *Theodoſius Magnus* brought Tranquillity to their Empire, after much Rage and Blood for Religion. In Nature we alſo ſee, all Heat conſumes, all Cold kills; that three Degrees of Cold, to two of Heat, allay the Heat; but introduce the Contrary Quality, and over-cool by a Degree; but two De-grees of Cold to two of Heat, make a Poyz in Elements, and a Ballance in Nature. The like in Families: It is not probable, that a Maſter ſhould have his Work ſo well done, at leaſt with that Love and Reſpect, who continually *ſmiles* upon one Servant, and ſeverely *frowns* upon all the reſt; on the contrary, 'tis apt to raiſe Feud amongſt Servants, and turn Duty into Revenge, at leaſt Contempt. *In fine*: It is to make our *Superiours* Dominion leſs then God made it; and to blind their Eyes, ſtop their Ears and ſhut up their Breaſts from beholding the Miſeries, hearing the Cries, and redreſſing the Grievances of a vaſt number of People, under their Charge, vext in this World for their Belief, and inoffen-ſive Practice about the next.

Secondly, It is the Intereſt of Governours to be put upon no Thankleſs Offices, that is, to blow no Coales in their own Country (eſpecially when it is to conſume their People, and it may be, themſelves too) not to be the *Cat's Foot*, not to make Work for themſelves, or fill their own Hands with Trouble, or the Kingdom with Complaints: It is to forbid them the Uſe of *Clemency*, where-in they ought moſt of all to imitate God Almighty, *whoſe Mercy is above all his Works*; and renders them a ſort of *Extortioners* to the People, the moſt remote from the End and Goodneſs of their Office. In ſhort; It is the beſt Receipt that their Enemies can give, to make them uneaſie to the Country.

Thirdly,

Thirdly, It not only makes them Enemies, but there is no ſuch Excitement to Revenge, as a rap'd Conſcience: He that hath been forc'd to break his Peace, to gratifie the Humor of another, muſt have a great ſhare of Mercy and Self-denyal to forgive that Injury, and forbid himſelf the Pleaſure of Retribution upon the Authors of it: For Revenge, in other Caſes condemnable of all, is here lookt upon by too many to be the next way to their Expiation. To be ſure, whether the Grounds of their Diſſent be rational in themſelves, ſuch Severity is unjuſtifiable with them; for this is a *Maxim* with Sufferers, Whoever is in the Wrong, *the Perſecutor is never in the Right*. Men, not conſcious to themſelves of Evil, and harſhly treated, not only reſent it unkindly, but are bold to ſhew it.

Fourthly, Suppoſe the Prince, by his Severity, conquers any into a Compliance, he can upon no prudent Ground aſſure himſelf of their Fidelity whom he hath taught to be Treacherous to their own Convictions. Wiſe Men rarely confide in thoſe whom they have debaucht from Truſt, to ſerve themſelves: At beſt it reſembleth but forc'd Marriages, that ſeldom prove happy to the Parties. In ſhort: Force makes Hypocrites; 'tis Perſwaſion only that makes Converts.

Fifthly, This Partiality, of ſacrificing the Liberty and Property of all Diſſenters, to the Promotion of a ſingle Party, as it is the lively Repreſentation of J. Calvin's *Horrendum Decretum* of Predeſtination, ſo the Conſequences of the one belong unto the other, it being but that Ill-natured Principle, *practiſed*; Men are put upon the ſame deſperate Courſes, either to have no Conſcience at all, or to be Hang'd for having a Conſcience not faſhionable; for, let them be Virtuous, let them be Vitious, if they fall not in with *that Mode* of Religion, they muſt be reprobated to all Civil and Eccleſiaſtical Intents and Purpoſes. Strange! that men muſt either Deny their Faith and Reaſon, or be deſtroyed for acting according to them, be they otherwiſe never ſo Peaceable. What Power is this? But that men are to be protected upon Favour, not Right or Merit; and that no Merit out of the *Engliſh* Church-Dreſs ſhould find Acceptance, is

fevere. That Father we juſtly blame, that narrows his Paternal Love to ſome one of his Children, though the reſt be not one jot leſs Virtuous then the Favouriter: Such Injuſtice can never flow from a Soul acted by Reaſon; but a Mind govern'd by Fancy, and enſlaved to Paſſions.

Sixthly, conſider *Peace*, *Plenty* and *Safety*, the three grand Inducements to any Country to *honour* the Prince, and *love* the Government, and the beſt Allurements to Forreigners to trade with it, and tranſport themſelves to it, are utterly loſt by ſuch nteſtine Jars; for inſtead of Peace, Love and good Neighbourhood, behold Animoſity and Conteſt! One Neighbour watcheth another, and makes him an Offender for his Conſcience; this divides them, their Families and Acquaintance: Perhaps with them, the Towns and Villages where they live, moſt commonly the *Sufferer* hath the *Pity*, and the *Perſecutor* the *Odium* of the Multitude; and when People ſee Cruelty practiſed upon their Inoffenſive Neighbours by a Troubleſom ſort of Men, and thoſe countenanced by a Law, it breedeth *Ill Blood* againſt the Government. Certainly, *haling People to Goals*, *breaking open their Houſes*, *ſeizing of their Eſtates*, and that without all Proportion, leaving Wives without their Husbands, and Children without their Fathers, their Families, Relations, Friends and Neighbours under Amaze and Trouble, is almoſt as far from the Peace of a well govern'd Kingdom, as it is from the Meekneſs of *Chriſtianity*.

Plenty will be hereby exchang'd for *Poverty*, by the Deſtruction of many *Thouſand* Families within this Realm, who are greatly Inſtrumental for the carrying on of the moſt *Subſtantial Commerce* therein, Men of *Virtue*, *good Contrivance*, *great Induſtry*, whoſe Labours not only keep the Pariſhes from the *Trouble* & *Charge* of maintaining them and theirs, but help to maintain the *Poor*, and are great *Contributors* to the *Kings Revenue* by their *Traffick*: This very Severity will make more *Bankrupts* in the Kingdom of *England* in ſeven Years then have been in it upon all other Accounts in ſeven Ages; which *Conſequence*, how far it may conſiſt with the Credit and Intereſt of the Government, I leave to better Judgments.

This Sort of great Severity that hath been lately, and ſtill is uſed amongſt us, is like to prove a great Check to that Readineſs, which other-

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otherwiſe we find in Forreigners to trade with the Inhabitants of this Kingdom; for if Men cannot call any thing their own under a different Exerciſe of Conſcience from the National Way of Religion, may their Correſpondents prudently ſay, *We will not further concern our ſelves with Men that ſtand upon ſuch tickling Terms; what know we but ſuch Perſons are ruin'd in their Eſtates by Reaſon of their* Non-Conformity, *before ſuch time as we are reimburſt for Money paid, or Goods delivered: Nay, we know not how ſoon theſe who are* Conformiſts *may be* Non-Conformiſts, *or what Revolution of Councils may happen, ſince the Fundamental Laws, ſo jealous of the Peoples Property, are ſo little ſet by with ſome of their own Magiſtrates; for though we are told of very worthy and excellent Laws for the Security of the Peoples Rights, yet we are alſo told, that they all hang at the Churches-Ears; and no* Church-Conformity, *no* Property; *which is, no* Church-Man, *no* Engliſh Man; *ſo that in Effect the Rights of their Country depend upon the Rites of their Church; and thoſe Churches are ſo numerous, and have taken their Turns ſo often, that a Body knows not how to manage one's ſelf ſecurely to one's own Affairs in a Correſpondence with any of them: For in King* Henry *the 8th's Days* Popery *was the only* Orthodox Religion, *and* Luther, Melanchton, Oecolampadius, Calvin, *&c. were great* Hereticks: *In* Edward *the ſixth's Time, they were Saints, and* Popery *Idolatry: A few Years after, Q.* Mary *makes the* Papiſts *Holy Church, and* Proteſtancy *Hereſie: About ſix Years compleats her Time, and Q.* Elizabeth *enters her Reign, in which* Proteſtants *are good* Chriſtians, *and the Church of* Rome *the Whore of* Babylon: *In her Reign, and King* James's, *and* Charles *the firſt's, ſprung the* Puritans, *who divided themſelves into* Presbyterians *and* Independents; *the Biſhops exclaimed againſt them for* Schiſmaticks, *and they againſt the Biſhops for* Papiſtical *and* Anti-Chriſtian: *In the* Long Parliament's *Time the* Presbyterian *drives out the* Biſhop; O. Cromwel *defeating them, and ſending the* Presbyterian *to keep Company with the* Biſhop, *confers it meſtly upon the* Independent *and* Anabaptiſt, *who kept it through the other Fractions of Government, till the* Presbyter *and* Biſhop *get it from them, and the* Biſhop *now from the* Presbyter; *but how long it will reſt there, who knows?*

Nor is my Suppoſition idle or improbable, unleſs Moderation take

take Place of Severity, and *Property* the room of Puniſhment of Opinion; for that muſt be the laſting Security, as well as that it is the Fundamental Right of *Engliſh* Peop'e.

There is alſo a further Conſideration, and that is *The rendering juſt and very good Debts deſperate, both at home and abroad, by giving Opportunity to the Debtors of Diſſenters to detain their Dues.* Indeed it ſeems a natural Conſequence with all but Men of Mercy and Integrity, *What ſhould we pay them for*, may they ſay, *that are not in a Capacity to demand or receive it; at leaſt to compel us?* Nay, they may plead a ſort of *Kindneſs to their Creditors*, and ſay, *We had as good keep it; for, if we pay it them, they will ſoon loſe it: 'Tis better to remain with us, then that they ſhould be pil. lag'd of it by Informers*; though Beggary and Want ſhould in the mean time overtake the right Owners and their Families. Nor is it unworthy of the moſt deliberate Thoughts of our *Superiours*, that *the Land already ſwarms with Beggars*, and that there is no ſo ready Courſe to encreaſe their Number, as the ſevere Proſecution of *Diſſenters*, ſo that though they immediately *Suffer*, the Kingdom in the End muſt be the *Looſer*: For, beſides a *Decay of Trade*, &c. this driving away of *Flocks of Sheep*, and *Herds of Cattel*, ſeizing of *Barns full of Corn*, breaking open of *Doors and Chiſts*, taking away the *beſt Goods* thoſe Inſtruments of Cruelty can find, ſometimes *All*, even to a *Bed*, a *Blanket*, wearing *Apparel*, and the very *Tools of Trade*, by which People honeſtly labour to get their Bread, till they leave *Men*, *Women* and *Children deſtitute of Subſiſtence*, will neceſſitate an extreme Advance of the *Poors Rate* in every Pariſh of *England*, or they muſt be *ſtarv'd*. Oh! that it would pleaſe them that are *in Authority* to put a Stop to this *Inhuman Uſage*, leſt the *Vengeance of the* Juſt God *break forth further againſt this poor Land.*

Safety, Another Requiſite to an happy Government, muſt needs be at an End, where the Courſe oppugn'd is follow'd: And it is but ſome prudent *Forreigners* proclaming *Liberty of Conſcience* within their Territories, and a Door is open'd for a Million of People to paſs out of their Native Soil, which is not ſo extremely improv'd, that it ſhould not want two or three hundred thouſand Families more then it hath, to advance it, eſpecially at this Time of Day, when our Forreign Iſlands yearly take off ſo many neceſ-

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ſary Inhabitants from us: And as of Contraries there is the ſame Reaſon; ſo let the Government of *England* but give that prudent Invitation to Forreigners, and ſhe maketh her ſelf Miſtreſs of the Arts and Manufactures of *Europe*: Nothing elſe hath hindred *Holland* from truckling under the *Spaniſh* Monarchy, and being ruin'd above three ſcore Years ago, and given her that Riſe to Wealth and Glory.

Seaventhly, Nor is this Severity only Injurious to the Affairs of *England*, but the whole *Proteſtant* World: For beſides that it calls the Sincerity of their Procedings againſt the *Papiſts* into Queſtion, it furniſheth them with this ſort of unanſwerable Interrogatory: '*The* Proteſtants *exclaim againſt us for Perſecutors, and are they* 'now the very men themſelves? *Was Severity an Inſtance of Weak-* 'neſs in our Religion, *and is it become a valid Argument in theirs?* '*Are not our Actions* (once void of all Excuſe with them) *now de-* 'fended by their own Practice? *But if men muſt be reſtrained upon* 'prudential Conſiderations from the Exerciſe of their Conſciences in 'England, *why not the ſame in* France *and* Germany, *where matters* 'of State *may equally be pleaded?* Certainly whatever Shifts *Proteſtants* may uſe to palliate theſe Procedings, they are thus far condemnable upon the Foot of *Prudence*.

Eighthly, Such Procedure is a great Reflection upon the Juſtice of the Government, in that it enacts Penalties inadequate to the Fault committed, viz. *That I ſhould looſe my Liberty and Property, Natural Endowments, and confirmed Civil Priviledges, for ſome Error in Judgment about Matters of Religion; as if I muſt not be a Man, becauſe I am not ſuch a ſort of religious Man as the Government would have me, but muſt looſe my Claim to all Natural Beneſits, though I harmonize with them in Civil Affairs, becauſe I fall not in with the Judgment of the Government in ſome Points of a ſupernatural Import; though no real Part of the ancient Govern-ment.* Perhaps inſtead of going to the Left Hand, I go to the Right: and whereas I am commanded to hear *A. B.* I rather chuſe to hear *C. D.* my Reaſon for it, being the more Religious Influence the latter hath over me then the former; and that I find by Experience, *I am better affected, and more Religiouſly diſpoſed to*

Good

Good Living. What *Blemish* is this to the Government? What *Insecurity* to the Civil Magistrate? Why may not this Man Sell, Buy, Plow, pay his Rent, be as good a Subject, and as true an *English man* as any *Conformist* in the Kingdom? Howbeit, *Fines* and *Goals* are very ill Arguments *to convince sober Mens Understandings, and dissuade them from the Continuance of so harmless a Practice.*

Lastly, But there is yet another Inconveniency that will attend this Sort of Severity, that so naturally follows upon our Superiors making *Conformity* to the Doctrine and Worship of the *Church* of *England* the *sine quanon*, or Inlet to all Property, and Ground of Claim to all *English* Civil Priviledges, to wit, that they make a Rod, for ought they know, to whip their own Posterity with; since it is Impossible for them to secure their Children to the *English* Church; and if it happen that any of them are never so conscientiously of another Perswasion, they are lyable to all the Miseries that may attend the Execution of those Laws: Such a *King* must not be King; such *Lords* and *Commons* must not sit in Parliament; nay, they must not administer any Office, be it never so inferiour, within the Realm, and they never so virtuous and capable; their very *Patrimony* becomes a Prey to a Pack of lewd *Informers*, and their Persons exposed to the Abuse of Men, Poor or Malicious.

But there are three *Objections* that some make against what I have urged, not unfit to be consider'd. The first is this: *If the Liberty desired be granted, what know we but* Dissenters *may employ their Meetings to insinuate against the Government, inflame People into a Dislike of their Superiours, and thereby prepare them for Mischief*

Answ. This *Objection* may have some Force, so long as our Superiours continue Severity; because it doth not only sharpen and excite Dissenters, but it runs many of them into such Holes and Corners, that if they were disposed to any such *Conspiracies*, they have the securest Places and Opportunities to effect their Design. But what *Dissenter* can be so destitute of *Reason* and *Love to common Safety*, as to expose himself and Family, by plotting

ting againſt a Government that is kind to him, and gives him the Liberty he deſires, and could only be ſuppoſed in common ſenſe to Plot for: To be ſure, *Liberty* to Worſhip God, according to their ſeveral Profeſſions, will be, as the Peoples *Satisfaction*, ſo the Governments greateſt *Security*; For if men enjoy their *Property* and their *Conſcience*, which is the nobleſt part of it, without Moleſtation, what ſhould they object againſt and plot for? Mad men only burn their own Houſes, kill their own Children & murder themſelves. Doth *Kindneſs* or *Cruelty* moſt take with men that are but themſelves? *H. Grotius* with *Campanella*, well obſerv'd that *a fierce and rugged Hand was very improper for* Northern *Countries*. Engliſh men *are gain'd with Mildneſs*, but *inflamed by Severity*: And many that do not ſuffer, are as apt to compaſſionate them that do. And if it will pleaſe our *Superiours* to make Tryal of ſuch an *Indulgence*; doubtleſs they will find *Peace and Plenty* to enſue. The Practice of other *Nations*, and the Trade, Tranquillity, power and Opulency that have attended it, is a Demonſtration in the Caſe, and ought not to be ſlighted by them that aim at as high and honourable things for their Country: And if we had no other Inſtance then our own *Intervals of Connivance*, they were enough to ſatisfie reaſonable men, how much more *Moderation* contributes to Publick Good, then the Proſecution of People for their Religious Diſſent; ſince the one hath ever produced *Trade* and *Tranquillity*; the other greater *Poverty* and *Diſſention*.

The ſecond *Objection*, and by far the more weighty, runs thus.

Obj. *The King and Parliament are ſworn to maintain and protect the Church of* England, as eſtabliſht, *&c. therefore to tolerate other Opinions is againſt their Oath.*

Anſw. Were the Conſequence true, as it is extreamly falſe, it were highly unreaſonable to expect Impoſſibilities at their Hands. Kings and Parliaments *can no more make Brick without Straw*, then Captives: They have not ſworn to do things beyond their Ability. Had it been in His and their Time and Choice, when the *Church of England* had been firſt diſturbed with diſſenting Opinions, it might have reflected more colourably a kind of Neglect upon them: But ſince the *Church of England* was ſo

ſooner a *Church*, than ſhe found ſome ſort of *Diſſenters*; and that the utmoſt Policy and Severity of *Q. Elizabeth*, *King James*, and King *Charles the 1ſt*, were not ſucceſsful towards an abſolute Uniformity; Why ſhould it reflect upon them, that the *Church of England* hath not yet rid her ſelf of Diſſenting Parties? Beſides, it is Notorious, that the late Wars gave that Opportunity to Differing Perſwaſions to ſpread, that it was utterly impoſſible for them to hinder, much leſs during the ſeveral Years of the King's Exile, at what time the preſent Parliament was no Parliament, nor the Generality of the Members of it ſcarce of any Authority. Let it be conſidered, that it was the Study of the Age to make People *Anti-papiſtical* and *Anti-Epiſcopal*, and that Power and Preferment went on that ſide: Their Circumſtances therefore and their Anceſtors are not the ſame; They find the Kingdom Divided into ſeveral Intereſts, and it ſeems a Difficulty inſurmountable to reduce them to any one Perſwaſion; wherefore to render themſelves Maſters of their Affections, they muſt neceſſarily govern themſelves towards them on a *Ballance*, as before expreſt; otherwiſe, they are put upon the greateſt Hazards, and extremeſt Difficulties to themſelves and the Kingdom, and all to perform the Uncharitable Office of ſuppreſſing many Thouſands of Inoffenſive Inhabitants for the different Exerciſe of their Conſcience to God: This is not to make them reſemble Almighty God, the Goodneſs of whoſe Nature extends it ſelf univerſally, thus to narrow his Bowels, and confine his Clemency to one ſingle Party of Men: It ought to be remembred, that *Optimus* went before *Maximus* of old, and that Power without Goodneſs is a frightful Sort of a Thing.

But *Secondly*, I deny the Conſequence, viz. *That the King is therefore obliged to perſecute Diſſenters, becauſe he or the Parliament hath taken an Oath to maintain the Church of* England: For it cannot be ſuppoſed or intended, that by maintaining Her they are to deſtroy the reſt of the Inhabitants: Is it impoſſible to protect her *without knocking all the reſt on the Head*? *Do they allow any to Supplant her Officers, Invade her Livings, Poſſeſs her Emoluments, Exerciſe her Authority? What would ſhe have? Is ſhe not Church of* England *ſtill, in the ſame Regency, inveſted with the ſame Power, bearing the ſame Character? What Grandeur or Intereſt*

tereſt hath ſhe loſt by them? Are they not manifeſtly her Protector? Is ſhe not National Church ſtill? And are not the greateſt Offices, Civil, Military and Maritime confer'd upon her Sons? And can any of her Children be ſo inſenſible as either to challenge her *Superiours* with Want of *Integrity*, becauſe they had not perform'd Impoſſibilities? or to excite them to that Harſhneſs, which is not only deſtructive of many Thouſands of Inhabitants, but altogether injurious to their own Intereſt, and diſhonourable to a *Proteſtant* Church? Suppoſe Diſſenters not to be of the Viſible Church, are they therefore unfit to live? Did the *Jews* treat Strangers ſo ſeverely that had ſo much more to ſay then her ſelf? Is not the *King Lord of Waſtes and Commons as well as Incloſures? Suppoſe God hath elected ſome to Salvation, doth it therefore follow he hath reprobated all the reſt? And becauſe he was God of the* Jews, *was he not therefore God of the* Gentiles? *or were not the* Gentiles *his People, becauſe the* Jews *were his peculiar People?* To be brief; They have anſwer'd their Obligation, conſented to *ſevere Laws*, and commanded their *Execution*, in that they have ſtill prefer'd her above *Every* Intereſt in *England*, to render her more Powerful and Univerſal, till they have good Reaſon to be tired with the Lamentable Conſequences of thoſe Endeavours, and to conclude, that the *Uniformity* thereby intended, is a thing Impracticable.

And I wonder that theſe men ſhould ſo eaſily forget that great Saying of King CHARLES the 1ſt (whom they pretended ſo often and with ſo much Honour to remember) in his Advice to the preſent King: where he ſaith,

Beware of exaſperating any Factions, by the Croſſneſs and Aſperity of ſome Mens Paſſions, Humours, or Private Opinions, imployed by You, grounded only upon their Differences in Leſſer Matters, which are but the Skirts and Suburbs of Religion,

where in a Charitable Connivance *and* Christian Toleration *often Dissipates their Strength, whom Rougher Opposition Fortifieth, and puts the Despised and Oppressed Party into such Combinations as may most Enable them to get a Full Revenge upon Those they count their Persecutors; who are commonly Assisted with that Vulgar Commiseration, which attends all that are said to Suffer under the Common Notion of Religion.*

So that we have not only the King's Circumstances, but his Father's Counsel, who saw not the End of one half of them defending a Charitable Connivance, and *Christian* Toleration of Dissenters.

Obj. 3. But it may be further alledged, *This makes way for* Popery *or* Presbytery *to undermine the* Church *of* England, *and mount the Chair of Power and Preferment, which is more then a Prudential Indulgence of Different Opinions.*

And yet there is not any so probable an Expedient to vanish those Fears, and prevent any such Design, as keeping all Interests upon the Ballance; for so the *Protestant* makes at least six Parties against *Popery*, and the *Church of England* at least five against *Presbytery*; and how either of them should be able to turn the Scale against five or six, as free and thriving Interests as either of them can pretend to be, I confess I cannot understand: But if one only Interest must be tolerated, which implie

implies a Reſolution to ſuppreſs the Reſt, plain it is, that the *Church* of *England* ventures her ſingle Party againſt ſix growing Intereſts, and thereby gives *Presbytery* and *Popery* by far an eaſier Acceſs to *Supremacy*, eſpecially the latter, for that it is the Religion of thoſe Parts of *Europ*, which neither want Inclination, nor Ability to proſper it. So that beſides the Conſiſtency of ſuch an Indulgence with the Nature of a *Chriſtian* Church, there can be nothing more in Prudence adviſable for the *Church* of *England*, then to allow of the *Ballance* propounded; In that *firſt* no Perſon of any real Worth will ever the ſooner decline her; on the contrary, it will give Her a greater *Reputation* in a Country ſo hating *Severity*: and *next*, It gives Her Opportunity to turn the Scale againſt one *Party* that may aſpire after her Power and Endowment; and ſhe never need to fear the Agreement of all of them to any ſuch Deſign, *Epiſcopacy* not being more intolerable then *Presbytery* in Power, even to an *Independency* it ſelf; and yet between them lies the narroweſt Difference that is among the Diſſenting Intereſts in this Kingdom.

But this ſeems too large and yielding, and therefore to find a *Medium*, ſomething that may compaſs the happy End of good Correſpondence and Tranquility, at leaſt ſo to fortifie the *Church* of *England*, as that ſhe may ſecurely give *Law* to all other Religious Intereſts, a *Comprehenſion* is pitcht upon, and diligently purſued by both *Epiſcopalians* and *Presbyterians*, at leaſt ſome of each Party.

But if it becomes wiſe men to Look before they Leap, it will not be unadviſable for them to weigh the *Conſequences* of ſuch an Endeavour: For, in the firſt place, there is no one People I know in *England*, that ſtands at a greater Diſtance from her Doctrine as it is maintain'd by her preſent Sons, then the *Presbyterians*, particularly about *abſolute Reprobation: the Perſon of Chriſt*, *Satisfaction* and *Juſtification*; and he muſt be a Stranger in the *Religious Conteſts* of our times that knows not this.

In the next place, None have govern'd them ſelves with a plainer Denial and more peremptory Contempt of *Epiſcopacy*, and the whole Diſcipline and Worſhip of the *Church* of *England* then the *Presbyterians* have ever done; let them put me to prove it if they pleaſe, even of their *moſt reverend Fathers*.

3*dly*,

3*dly*, Who knows not that their reciprocal *Heats* about these very things, went a great way towards our late lamentable Troubles? Now if the same *Principles* remain with each Party, and that they are so far from repenting of their Tenaciousness, that on the contrary they justifie their Opposition to one another in these matters, how can either Party have *Faith* enough to rely upon each other's Kindness; or so much as attempt a *Comprehension*? What must become of the Labours of Bp. *Witgift*, *R. Hooker*, Bp. *Bancroft*, Bp. *Laud*, *&c.* in Rebuke of the *Presbyterian Separation*; and the Names of those leading Dissenters, as *Cartwright*, *Dode*, *Bradshow*, *Rutterford*, *Galaspee*. *&c.* so famous among the present *Presbyterians*, and that for their *Opposition* to the *Church*? This considered, what Reason can any render, why the *Episcopalians* should so singularly Provide for, and Confide in an *Interest* that hath already been so *Destructive* to theirs? On the other hand, With what Prudence may the *Presbyterians* imbrace the others *Offer* that intended it not in Kindness to them, and who they must needs think, cannot but owe Revenge, and retain deep Grudges for old Stories?

But 4*thly*, The very Reason given for a *Comprehension* is the greatest that can be urged against it; namely, *The Suppression of other dissenting Perswasions*. I will suppose a *Comprehension*, and the *Consequences* of it to be an *Eradication of* ALL *Interests*, the Thing desired: But if the two remaining Parties shall fall out, as it is not likely that they will long agree, what can the *Presbyterian* have to Ballance himself against the Ruling Power of *Episcopacy*? or the *Episcopalian* to secure himself against the Aspirings of *Presbytery*? They must either all become *Episcopalians* or *Presbyterians*, else they will commix as *Iron* and *Clay*, which made ill *Leggs* for the *Image* in *Daniel*; Nor is it to be thought, that their *Leggs* should stand any better.

But some are ready to say, that *Their Difference is very minute*. Grant it; Are they ever the more tolerable for that? Certainly, *Forbearance* should carry some Proportion with the Greatness of the Difference, by how much it is easier to comply in smaller Matters: He that dissents *fundamentally*, is more excusable then those that sacrifice the *Peace* and *Concord of a Society* about little *Circumstances*; for there cannot be the same Inducement to suspect men

of

of *Obſtinacy* in an *Eſſential* as *Circumſtantial* Non-*Conformity*.

Beſides, How far can this Accommodation extend with *Security* to the *Church of England*? Or, on What better Terms will the *Presbyterians* conform to her Diſcipline and formal Acts of Devotion, then thoſe upon which *Peter du Moulin* offered to preach the Goſpel at Rome? viz. *That if the* Pope *would give him Leave to preach at* Rome, *he would be contented to preach in a* Fool's *Coat*; I queſtion if the *Presbyterian* can go ſo far, I am ſure he could not; and as ſure, that *Peter du Moulin* hop'd by preaching there in a *Fool's Coat*, to inculcate that Doctrine which ſhould *un-Mitre* the *Pope*, and alter his *Church*, the very Thing the *Church of England* ought to fear: For *Peter du Moulin* intended to preach in a *Fool's Coat* no longer, but till he had preach'd the People wiſe enough to throw it off again. So the *Presbyterians*, they may conform to certain *Ceremonies* (once as *ſinful* to them as a *Fool's Coat* could be *Ridiculous* to *Peter du Moulin*) that they may the better *introduce their* Alterations *both in Doctrine and Diſcipline*.

But that which ought to go a great way with our Superiours in their Judgment of this Matter, is not only the Benefit of a *Ballance* againſt the Preſumption of any one Party, and the Probability, if not Certainty of their never being over-driven by any one Perſwaſion whilſt they have others to more then poiz againſt the growing Power of it; but the Conceit it ſelf, if not altogether impracticable is at leaſt very difficult to the Promoters, and an Office as thankleſs from the Parties concern'd. This appears in the Endeavours uſed for a *Comprehenſion* of *Arrians* and *Homouſians* under one *Orthodoxy*, related not only in our common *Eccleſiaſtical Hiſtory*, but more amply in the Writings of *Hilary*, an enemy to the *Arrians*, and *Mariana's Spaniſh* Hiſtory. Theſe publick Teſts, or comprehenſive Creeds were many, *Nice*, *Ariminum*, *Sirmium*, &c. in order to agree both Parties, that neither might ſtigmatize the other with the odious Crime of *Hereſie*; but the Conſequence of all this Convocation and prolix Debate was, that neither Party could be ſatisfied, each continuing their former Sentiments, and ſo grew up into ſtronger Factions to the Diviſion, Diſtraction, and almoſt Deſtruction of the whole Empire; recovered a little by the prudent Moderation of *Jovianus* and much improved, not by

a Comprehenſion, but *Reſtauration* of *a ſeaſonable Liberty of Conſcience* by *Theodoſius Magnus*.

Alſo in *Germany* about the Time of the Reformation, nothing ſeem'd more ſincere then the Deſign of Union between the *Lutherans* and *Zwinglians*: For *Luther* and *Zuinglius* themſelves by the carneſt Endeavours of the *Landgrave* of *Heſſen*, came together; but the Succeſs was ſo ſmall, notwithſtanding the *Grave*'s Mediation, that they parted ſcarcely Civil; to be ſure, as far from Unity as Controverſie is. *Luther* and *Cardinal Cajetan* met for a Compoſure of the Breach betwixt the *Proteſtants* and the *Pope*; but they were too wide for thoſe Conferences to reconcile, no *Comprehenſion* could do the Buſineſs. A ſecond Eſſay to the ſame Purpoſe was by *Melanchton*, *Caſſander* and others; the Conſequence of it was, that the Parties were diſpleaſed, and the Heads ſuſpected, if not hated of their Followers: Nor had *Bucer*'s Meeting with *Julius Pflugg* any better Succeſs; And how fruitleſs their Contrivances have been, that with greateſt Art and Induſtry have of along time endeavour'd a Reconciliation of *Lutherans* and *Calviniſts*, is well known to thoſe that are acquainted with the Affairs of *Germany*; and ſuch as are not, may furniſh themſelves from thoſe publick Relations given by thoſe that are employed about that Accommodation, where beſides a dull and heavy Progreſs, the Reader may be a Witneſs of their Complaint, not only that both Parties are too tenacious, but that they ſuffer Detraction for their good Endeavours, each ſide grudging every Tittle they yield, and murmuring as if they were too hardly born upon. And if Perſons ſo diſintereſted, and worthy in their Attempts have had no better Iſſue, I cannot ſee how thoſe who ſeem compell'd by Worldly Intereſt more then Conſcience, to ſeek and propogate a *Comprehenſion*, eſpecially, when it determines in the Perſecution of the rejected Perſwaſions, can with any Reaſon expect from God or good Men any better Succeſs to their Deſign.

Laſtly, there is nothing any man toucht with Juſtice and Mercy, can alledge for a *Comprehenſion*, that may not be much better urg'd to procure a *Toleration*; they are Men as well as thoſe of other Perſwaſions, their Faith is as *Chriſtian*, they believe as ſincerely, live as conſcientiouſly, are as uſeful in the Kingdom, and manage their

Diſſent

Diſſent with as much Modeſty & Prudence, the Church of *England* her ſelf being in a great meaſure Judge, as thoſe on whoſe Account a *Comprehenſion* may be intended: To be ſure they are *Engliſh* Men and have an Equal Claim to the Civil Rights of their native Country, with any that live in it, whom to perſecute, whilſt others, and thoſe no better Men, are tolerated, is, as I have already ſaid, *The Unreaſonable and Unmerciful Doctrine of abſolute Election and Reprobation put in Practice.*

III. A SINCERE PROMOTION *of General & Practical* RELIGION.

I Am now come to the laſt, which to be ſure, is not the leaſt Part of my Anſwer to the Queſtion Propounded, viz: The *Sincere Promotion of general and practical Religion*, by which I mean the *Ten Commandments*, or Moral Law, and *Chriſt's Sermon upon the Mount*, with other Heavenly Sayings, excellently improved, and earneſtly recommended by ſeveral Paſſages in the writings of his Diſciples, which forbid *Evil* not only in *Deed*, but *Thought*; and injoyn *Purity and Holineſs*, as *without which no man*, be his Pretences what they will, *ſhall ever ſee God.* In ſhort; General, True and Requiſite *Religion* in the Apoſtle *James's* Definition, is, *to viſit the Widow and the Fatherleſs, and to keep our ſelves*, through the Univerſal Grace, *unſpotted of the world*: This is as the moſt *ſacred*, ſo the moſt eaſie & probable way to fetch in all men Profeſſing God & Religion, for that every perſwaſion acknowledges this in words, be their Lives never ſo incongruous with their Confeſſion; And this being the *Unum neceſſarium*, that One Thing only requiſite to make Men happy here and hereafter, why ſhould Men ſacrifice their Accord in *this great point* for an Unity in minute or circumſtantial Things that perhaps is inobtainable; & if it were not, would ſignifie little or nothing, either to the Good of Human Society, or the particular Comfort of any Individual in that World which is to come? No one thing is more ſenſeleſs and condemnable among Men then their Uncharitable & Mutinous Clamours and Conteſts about Religion, indeed about Words & Phraſes, whilſt they all verbally meet

in the moſt, if not only neceſſary Part of *Chriſtian* Religion: For nothing is more certain, then if Men would but live up to one half of what they know in their own Conſciences they ought to practiſe, their Edge would be taken off, their Blood would be ſweetned by Mercy and Truth, and this unnatural Sharpneſs qualified: they would quickly find work enough at home; each Man's Hands would be full by the Unrulineſs of his own Paſſions, and in ſubjection of his own Will; and inſtead of devouring one another's *Good Name*, *Liberty*, or *Eſtate*; *Compaſſion* would riſe, and mutual *Deſires* to be aſſiſtent to one another in a better ſort of Living. Oh how decent, how delightful would it be, to ſee Mankind (the Creation of one God that hath upheld them to this Day) of one Accord, at leaſt in the weighty things of God's *practical Law*! 'Tis want of *Practice*, and too much *Prate*, that hath made Way for all the *uncharity* and *Ill-living* that is in the world. No Matter what Men *ſay*, if the Devil keep the Houſe: Let the *Grace of God*, the *Principle of Divine Life* (as a great man lately called it in his Speech) but be heartily and reverently entertained of men that *teaches to deny ungodlineſs, and converſe Soberly, Righteouſly and Godlily in this preſent evil World*, and it is not to be doubted but *Tranquillity*, and a very *amicable Correſpondence* will follow: Men are not to be reputed *Good* by their *Opinion*; nor is that, nor ought it to be offenſive to the Government, but *Practice* is what muſt *ſave* or *damn*, temporally or eternally. Chriſt in his Repreſentation of the Great Day, doth not tell us, that it ſhall be *Well* SAID, or *Well* TALKT, but *Well* DONE *good & faithful Servant*: neither is the *Depart from me* YOU, directed to any but the *Workers of Iniquity*. *Error* now is brought from the Signification of an *Evil Life* to an *unſound Propoſition*, as *Philoſophy* is from *Mortification* and well-living, to an *Unintelligible way of wrangling*. And a Man is more bitterly harrac'd for an *Erroneous Propoſition*, though the Party holding it thinks not ſo, and the Party charging it denyes all infallible Judgment in this world (ſo that it may as well be true as falſe for all him) then for the *moſt Diſſolute Life*. And truely it is *high Time*, that Men ſhould give *better Teſtimony* of their *Chriſtianity*; for *Cruelty* hath *no ſhare* in *Chriſt's Religion* and *Coertion* upon Conſcience is utterly inconſiſtent with the very Nature of his Kingdom: He rebuked that *Zeal*, which would

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have *Fire* from Heaven to devour *Diſſenters*, though it came from his own Diſciples; and forbad them to *pluck up the Tares*, though none had a more gentle or infallible Hand to do it by: He preferr'd *Mercy* before *Sacrifice*; and therefore we may well believe, that the Unmerciful Sacrifices ſome men now offer, I mean, *Impriſoning Perſons, ſpoiling of Goods, and leaving whole Families deſtitute of common Subſiſtence*, are far from being grateful to him, who therefore came into the World, and preacht that Heavenly Doctrine of *Forbearing*, and *Loving of Enemies*, and laid down his moſt *Innocent* Life for us, whilſt we were Rebels, that by ſuch peaceable Precepts and ſo patient an Example the World might be prevail'd upon to leave thoſe Barbarous Courſes: And doubtleſs, very lamentable will their Condition be, who at the Coming of the Great Lord ſhall be found Beaters of their *Fellow-Servants*. In vain do Men *go to Church, pray, preach, and ſtyle themſelves Believers, Chriſtians, Children of God, &c.* whilſt ſuch Acts of Severity are practiſed, and any Diſpoſition to *moleſt* harmleſs Neighbours for their Conſcience, ſo much as *countenanc'd*. A Courſe quite repugnant to Chriſt's Doctrine and Example.

In ſhort; The *Promoting* of this *General Religion* by a ſevere *Reprehenſion and Puniſhment of Vice*, and *Encouragement of Virtue*, is the *Intereſt of our Superiours* ſeveral Wayes,

1. In that it meets with, and takes in all the Religious Perſwaſions of the Kingdom; *Penal Laws for Religion is a Church with a Sting in her Tail*; take that out, and there is no Fear of the People's Love and Duty: And what better Obligation or Security can the Civil Magiſtrate deſire? Every Man owns the *Text*; 'tis the *Comment* that's diſputed: Let it but pleaſe him to make the *Text* only ſacred and neceſſary, and ſo leave Men to keep Company with their own Meanings and Conſequences, and he not only prudently takes in all, but ſuppreſſeth nice Searches, fixes Unity upon Materials, quiets preſent Differences about things of leſſer Moment, retrives Humanity and *Chriſtian* Clemency, and fills the Kingdom with Love and Reſpect to their Governours.

2. *Next*, A Promotion of *General Religion*, it being in it ſelf practical, brings back again ancient *Virtue*: Good Living will thrive in this Soil; Men will grow Honeſt, Truſty and Temperate; we may expect good Neighbourhood and cordial Friendſhip; one

may depend more upon a *Word*, then now upon an *Oath*. How lamentable is it to ſee People afraid of one another; Men made and provided for of one God, and that muſt be judged by that One Eternal God, yet full of Diffidence in what each other ſayes, and moſt commonly interpret as people read *Hebrew*, all Things that are ſpoaken backwards?

3. The *third* Benefit is, that Men will be more induſtrious, more dilligent in their lawful Callings, which will encreaſe our Manufacture, ſet the idle and poor to work for their Livelihood, and enable the ſeveral Countryes with more Eaſe and Decency to maintain the Aged and Impotent among them. Nor will this only make the *Lazy conſcientiouſly induſtrious*, but the *Induſtrious* and *Conſcientious Man Cheerful* at his Labour, when he is aſſured to keep what he *works* for, and that the *Sweat of his Brows* ſhall not be made a *Forfeit* for his *Conſcience*.

4. It will render the Magiſtrates Province more facil, and Government a ſafe as well as eaſie Thing; for, as *Tacitus* ſayes of *Agricola's* inſtructing the *Britains* in Arts and Sciences, and uſing them with more Humanity then other Governours had done, that it made them fitter for Government: So, if that Practical Religion, and the Laws made to maintain it, were duely regarded, the very Natures of Men now wild and froward by Croſs and Jealous Intereſts, would learn *Moderation*, and ſee it to be by far their greateſt Intereſt to perſue ſober and amicable Converſation, which would rid the Magiſtrate of much of his Preſent Trouble: And the Truth is, 'tis a Piece of Slavery to have the Regiment of Ignorants and Ruffains; but there is true Glory and Royalty in having the Government of Men inſtructed in the Juſtice and Prudence of their own Laws and Country.

5. *Laſtly*, Heaven will Proſper ſo Natural, ſo Noble, and ſo *Chriſtian an Eſſay*, which ought not to be the leaſt Conſideration with a good Magiſtrate, and the rather, becauſe the Neglect of this practical Religion hath been the Ruin of Kingdoms and Common Wealths among *Heathens*, *Jews* and *Chriſtians*. This laid *Tarquin* low, and his Race never roſe more. How puiſſant was *Lacedæmon* and *Athens* in *Greece*, till *Luxury* had eaten out their *Severity*, and a *pompous Living*, contrary to their Excellent Laws rendered their Execution intolerable? And was not *Hannibal's* Army

Army a Prey to their own Idleneſs and Pleaſure, which by effeminating their Natures conquer'd them, when the whole Power of *Rome* could not do it? What elſe betray'd *Rome* to *Caeſar*'s Ambition, and made way for the after Rents and Diviſions of the Empire? The Conqueſt and Inheritance of a well-govern'd People for ſeveral Ages, as long as their Manners laſted. The *Jews* in like manner were proſperous while they kept the Statutes and Judgments of their God; but when they became Rebellious and diſſolute, the Almighty either viſited them from Heaven, or expoſed them to the Fury of their Neighbours. Nothing elſe, ſent *Zedekiah* to *Babylon*, and gave him and the People a Prey to *Nebuchadnezzer* and his Army.

Neglect of Laws and Diſſolute Living, Andrew Horn (that liv'd in the Time of *Edw.* the 1*ſt*, as before cited) tells us, was the *Cauſe of the miſerable Thraldom and Deſolation the* Britains *ſuſtained by Invaders and Conquerors.* And pray what elſe hath been the *Engliſh* of our *ſweeping Peſtilence* and *dreadful Fires* of late years? Hundreds of Examples might be brought in this Caſe; but their Frequency ſhall excuſe me.

Thus have I honeſtly and plainly clear'd my Conſcience for my *Country*, and anſwer'd, I hope, modeſtly, and though briefly, yet fully the Import of the Queſtion propounded, with Honour to the Magiſtrate, and Safety to the People by an happy Conjunction of their Intereſts. I ſhall conclude,

That as greater Honour and Wiſdom cannot well be attributed to any ſort of Men, then for our Superiours, under their Circumſtances, to be ſought to by all Perſwaſions, *confided in by all* Perſwaſions, *and obey'd by all* Perſwaſions; *and to make thoſe* Perſwaſions *know, that it is their* Intereſt *ſo to do, as well as that it is the* Intereſt *of our Superiours, they ſhould, which the Expedients propos'd naturally tend to; So for a further Inducement to imbrace them, let it be conſtantly remembred, that the* Intereſt *of our* Engliſh Governours *is like to ſtand longer upon the Legs of the* Engliſh People, *then of the* Engliſh Church; *ſince the one takes in the Strength of all* Intereſts,

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the other leaves out all but her own; and it may happen that the Engliſh Church *may fail, or go travail again, but it is not probable that* Engliſh People *ſhould do either, while* Property *is preſerved, a* Ballance *kept, General* Religion *propagated, and the* World *continues.*

May all this prevail with our *Superiours* to make the beſt Uſe of their little Time, remembring in the midſt of all their *Power & Grandeur* that they carry *Mortality* about them, and are equally liable to the Scrutiny and Judgment of the *laſt Day* with the pooreſt *Peaſant*, and that they have a great *Stewardſhip* to account for; that *Moderation* and *Virtue* being their Courſe, they for the future ſhall ſteer after, having faithfully diſcharg'd that Grand Truſt repos'd in them by God and this Free-People, they may with Comfort to their *Souls*, and Honour to their *Names* and *Actions*, ſafely anchor in the Haven of Eternal Bleſſedneſs: So prayes with much Sincerity,

An *Engliſh Chriſtian-Man.*

William Penn.

A Corollary

THat the People are under a great *Diſſatisfaction*. That the Way to *quiet Differences*, and render *contrary Intereſts ſubſervient* to the Intereſt of the Government, is,

Firſt, *To maintain inviolably the Rights of it*; viz. Liberty *and* Property, Legiſlation *&* Juries, *without Neglect. That ſlighting and infringing them hath been the* Injury of Prince and People, *and early or late the Ruin of the Contrivers of ſo ill Deſigns; and when all has been done, the only Expedient has been to come back again to* Engliſh Law: *This takes in all, pleaſes all, becauſe it* ſecures and profits all; *ſacrificing* Priviledges *for the ſake of* Conformity, *makes a Breach upon the* Civil Government, *alienates the* People's Affections *from the* Prince, *lodges* Property *in their Church, ſo as none can come at it, but through Obedience to her* Rites; *for ſhe at this rate has the keeping of it, a Thing* Unknown, *as well as* Unſafe *to the Ancient* Engliſh Government.

2dly, *That the* Prince *govern himſelf upon a* Ballance *towards all* Religious Intereſts; *that this beſt poizes Parties to his* Security, *renders him* Maſter *of an univerſal Affection, and makes him truly and ſafely* Prince *of all his Country; but the contrary Courſe narrows his* Juſtice *and* Mercy, *makes the Government to ſhine but upon one Patch of the Kingdom; to be Juſt but to* one Party, *and diſinherit the reſt from their* Birthright; *that this Courſe ends in* great Diſadvantage *to the* Peace, Plenty *and* Safety *of* Prince and People.

3dly, *And* lastly, *Instead of being Uncharitable, Severe and Cruel for* Modifications, *let them sleep, and General and* Practical Religion *be promoted, that which receives an* Amen *in every Man's Conscience, from the* Principle of Divine Life *(as the* Lord Keeper *well call'd it) in* every Breast: *That all agree in the most weighty Doctrines, and that nothing will sooner sweeten Men's Blood, and mollifie their Natures, then employing that Time & Pains they bestow on fruitless Contests, in* Living up to what they both Know, Believe and Accord in; *that this leaves Men to keep Company with their own* Comments, *and makes the* Text *only* Sacred, *and* Holy Living necessary, *not only to heavenly, but earthly Places, I mean, Preferments, whence* Virtue *becomes the Door to* Favour, *and* Conscience (*now smother'd in the Crowd of* Sinister Interests) *the Noble* Rule of Living.

God Almighty, if it please him, beget Noble Resolutions in the Hearts of our Superiours, *to use these plain & safe* Expedients; *that* Charity *may supplant* Cruelty, Contest *yield to* Good Life, *and present Distances meet in a Just and Kind* Neighbourhood.

Great and Honourable is that *Prince*, Free and Happy that *People*, where these Things take Place.

W. P.